PATTERNS OF POWER · THE COMPANY IN BENGAL

The Company in Bengal

The Complete Study · 1600 — 1765 — 1858

Thomas J. Bryan

with Claude (Anthropic) · 2026

held as tested, not revealed

Held as tested, not revealed.

A case study in the Patterns of Power series.
Primary sources quoted exactly; modern scholarship paraphrased and credited.
Contested figures given as ranges. Nothing reconstructed from memory.

CONTENTS

PREFACE
Preface and Outline

LANDSCAPE
So Far Remote from Hence

MODULE 1
The Sale of a Jackass

MODULE 2
Drought, Inundation or Other Calamity of Seasons

MODULE 3
A More Winning Deportment

MODULE 4
The Guru Mahashay

MODULE 5
Nine Pounds a Head

MODULE 6
For Which No Satisfaction Is Made

MODULE 7
Those Myriads of White Ants

MODULE 8
In the First Instance, a Politician

MODULE 9
Destroyed by Their Reconciliation

MODULE 10
The Dissolution of the Whole Bengal Army

MODULE 11
Dreadful Beyond All Example

MODULE 12
The Proudest Day in English History

Preface and Outline

Front matter · what the study is for, how it was built, the discipline it holds itself to, and a map of its thirteen parts

The spine

The question was set before the research began, and it was set as a structural problem rather than a thesis.

Every conquest this collection had examined was made by a state — a monarchy, a republic, a caliphate, a settler colony with a metropolitan treasury behind it. This one was made by a company. A corporation chartered in London on the last day of 1600, owned by shareholders, governed by twenty-four directors elected annually, and answerable to a general meeting, acquired the revenue administration of Bengal, Bihar and Orissa in 1765 and governed some thirty million people for the next ninety-three years. So the framework's terms had to be put through a case of the wrong shape, to find out which of them were about conquest and which had merely been about states all along.

Thomas J. Bryan's spine, held from the outset, was that the answer would be found by going back to England's own position logic on chartered companies — why a sovereign licenses a private corporation to conduct foreign trade and foreign war at all — and then letting that logic, and the question of what each party could actually see from where it stood, work themselves out as such a corporation entered a country with entrenched hierarchies already in place. Two guesses came with the brief: that the floor of force would turn out to have been recruited locally and paid, and that the great settlement of 1793 would turn out to have *converted* the men it dealt with rather than confirming them in what they held.

The research bore both out. The men who took Bengal for a London corporation were from Bengal, Bihar and Awadh, and they were on a salary; the order imported not an army but a payroll, into a military labour market two centuries of Mughal fiscal practice had already built. And Regulation I of 1793 states in its own text that fixing the public assessment had never been done in the history of the country, explains that its purpose is to make an estate's value ascertainable, and devotes its longest article to the mechanics of dividing estates into lots for sale.

The record then refused the brief in four places, and the refusals were worth more than the confirmations.

It refused the assumption that a liquid apex is a weak one. The Landscape had asked whether an order whose funders hold transferable shares — who can sell on any day the exchange is open — generates a weaker default than one whose elite stands on land. Burke's committee answered it in 1783: East India stock was not bought for the dividend but for the patronage a vote in the General Court carried, and therefore "the India proprietor will always be, in the first instance, a politician." A share that carries a vote in a government is not a security. It is an office with a market price, and its holder behaves accordingly.

It refused the word collapse. There was not one. The rebellion of 1857 was defeated; the Company was abolished eleven months later by an Act of Parliament in which nothing was contested, under a redemption power reserved when the monopoly was pledged against a government debt in 1709. Not one member of its hierarchy lost a position. The civil service continued under another name, the officers kept their commissions, and the shareholders went on drawing ten and a half per cent, charged by statute upon the revenues of India alone, until 1874.

It refused the simple version of withheld formation. The collection predicts that a colonizer will decline to form the conquered, because forming them would mean admitting them, and that the incumbent formation will therefore hold the field. Bengal confirms it and makes it worse. The Company did not merely withhold; it *paid to keep the incumbent running* — founding a madrasa and a Sanskrit college to supply its own courts with pandits and maulvis, certifying and salarying those authorities, and in the army funding separate messing, recognised festivals and exemption from the sea and the lash. Every one of those decisions was locally sensible. Their aggregate was a century-long investment in the authority of a framework the order did not control and inside which, in January 1857, it had no standing at all.

And it refused the censorship story. The Company suppressed newspapers, licensed presses and deported editors, and none of that is the main mechanism. Burke opens the Ninth Report by explaining why he wrote it in plain and popular language: the technical register of the Company's records left members of the House "fatigued into such a despair of ever obtaining a competent knowledge of the transactions in India" that they voted to remand the subject back to obscurity of their own accord. This order did not primarily conceal. It produced, in enormous volume, and was not read.

How it was built

One module at a time, verification before writing, over the arc the Field Manual sets out: a landscape and twelve modules, each with a framework function, each required to contribute a refinement back to the framework rather than merely apply it.

Public-domain primary sources are quoted exactly, at the length the argument needs, because the precise wording of a legal fiction is the point. The *Ninth Report of the Select Committee of the House of Commons on the Affairs of India* of 25 June 1783, written by Edmund Burke, was consulted directly and is the single most important document in the study; so was the speech on Fox's East India Bill of 1 December 1783. Ghulam Husain Khan's *Seir Mutaqherin* in M. Raymond's translation of 1789 was consulted directly, and supplies the Bengali voice throughout. John Clark Marshman's *History of India* of 1867 supplies the narrative of the founding. Regulation I of 1793 and the State Prisoners Regulation of 1818 are quoted from compiled statute texts; the treaty of 16 August 1765 from the appendix to William Bolts's *Considerations on India Affairs* of 1772; section XLII of the Government of India Act 1858 from the statute; and Macaulay, Rammohun Roy's memorial of 1823, Adam's education reports, W. W. Hunter and the 1846 salt pamphlet from the published texts.

Modern copyrighted scholarship is paraphrased and credited, never quoted at length.

The discipline

Where wording or provenance could not be confirmed, the line was dropped rather than guessed, and the drop is recorded. A well-known remark of Ghulam Husain Khan's about the wealth of the Jagat Seths is omitted because it could only be found at second hand. An anecdote about Ganga Govind Singh's expenditure during the famine is omitted for the same reason. The clause from Pitt's India Act declaring conquest repugnant to the honour of the nation is flagged as taken from the secondary literature rather than the statute.

Contested figures are given as ranges, and where a figure has not been researched the module says so rather than filling the gap. The mortality of the famine of 1769–70 is given only as one to ten million, because that is the honest state of the question and because the width of the range is itself a finding about the record. The mortality of the rebellion of 1857–58 is not stated at all. Nor are the casualties of the Sannyasi, Chuar, Titu Mir and Faraizi risings, which this study did not research.

Two large questions are named and not resolved. Whether the decline of Bengal's textile industry was caused by Company policy or by mechanisation in Lancashire is a

live scholarly dispute with serious evidence on both sides, and Module 6 sets it out without adjudicating. And the wording of the *diwani* farman of 12 August 1765 — the instrument on which the entire case rests — is described and not quoted, because no reproduction of its text in a public-domain source was located. That gap is left open on the face of the module rather than papered over.

The last module states the strongest case for the order at full strength — a century in which no army raided a province that had been burned six times in the preceding decade, a rule under which an Indian could sue an English Collector and recover, and a Bengali intellectual world that used the order's own premises against it — and then answers it without flinching, on the finding that intention does not explain output.

The arithmetic is laid out. The sum is left to the reader.

The arc

Landscape · So Far Remote From Hence. The two orders on the eve, and a third — because the invader was not a country but a corporation licensed by one, so the seam runs twice. A province whose ruling office a stranger could enter, and a company whose monopoly was collateral on a loan to its own sovereign.

1 · The Sale of a Jackass. The floor of force. A founding that cost twenty-two men because it was a purchase rather than a battle; four nawabs in eight years, each accession a payment; and a floor hired out of the country it took, which mutinied in 1764 over its share of the bribes and in 1766 put down a mutiny of its own European officers.

2 · Drought, Inundation or Other Calamity of Seasons. The settlement. An instrument that admits in its own text that it is inventing something, states that its purpose is to make land priceable, abolishes relief for bad harvests by name — and had auctioned a great part of the class it created within a generation.

3 · A More Winning Deportment. The robe. A justification manufactured under scandal, addressed to the Parliament that could revoke the charter, drafted largely by the order's own critics, and offered to the governed almost not at all. The public audience the previous order had held twice a week ended with the last nawab who governed.

4 · The Guru Mahashay. Formation. One first-rate college, built and pointed at the order's own officials; a lakh of rupees a year against thirty million people; and an incumbent formation the Company subsidised for ninety-two years and then could not argue with about a rifle cartridge.

5 · Nine Pounds a Head. The cost column. Real security against invasion, a demand fixed for the man above the cultivator and left variable for him, and an exit

priced in the rent rolls that closed by demography rather than by law. Company salt sales per head fell by a quarter while the population rose by half.

6 · For Which No Satisfaction Is Made. Extraction. A share of the revenue set aside to buy goods for shipment to London, called the Investment; the fleets that carried it read as evidence of prosperity; and the number by which a servant's merit was judged was the number that measured what was being taken out.

7 · Those Myriads of White Ants. Information and suppression. Two upward channels abolished and none built; a seam held open by distance and by vocabulary rather than by censorship; and a Bengali offer in 1823 to build the missing channel at his own expense, refused by Calcutta and by London in turn.

8 · In the First Instance, a Politician. Elite coordination and the default. A ladder that closed into a circuit — writer to senior merchant to Council to proprietor to Director — on one side of a line, and stopped below an English subaltern on the other. In 1858 the whole hierarchy transferred to a new sovereign without resistance, because nothing in the default was about the Company.

9 · Destroyed by Their Reconciliation. Plurality or foreclosure. A court created by a quarrel between two powers and extinguished when they made peace; a durable protection that lasted because the men obliged to administer it were paid for it; and, twenty-five years later, a permanent power of detention for people against whom there was not sufficient ground for judicial proceeding.

10 · The Dissolution of the Whole Bengal Army. Change and collapse. The Santhals rose in 1855 and were annihilated; the men who rose in 1857 were the state's own armed servants; and the thing that ended the Company was an Act of Parliament under a clause drafted in 1709. The province this study is about supplied the spark and declined to burn.

11 · Dreadful Beyond All Example. The grim accounting. A sword column knowable to two significant figures where Europeans died and to an order of magnitude where Bengalis did; a metabolic note called four years after the transfer, because the machinery that carried the weather was a cost and appeared on no schedule; and the abolition of remission made permanent twenty-three years after remission had failed.

12 · The Proudest Day in English History. Convergence and divergence. What Bengal confirms of the collection, what only a chartered conquest can show, the eight findings the collection banks — and the strongest case for this order, stated at full strength and answered.

LANDSCAPE

So Far Remote from Hence

Landscape · The two orders on the eve — the richest province of a Mughal empire already hollowed out from within, and a chartered corporation whose monopoly was collateral on a loan to its own sovereign; with the colonial bend put through a case where the conqueror is not a country

Why this case is read from three landscapes rather than two

Every study in this collection opens by reconstructing the ground a conquest fell on — who held organised violence, how the wealth was divided, what story the population had been formed to think rightful — so that what follows can be read as an act performed against a real prior order rather than upon empty scenery. A conquest mounted from overseas doubles the requirement, because the man who does the conquering answers to an audience the conquered will never see, and the distance between what is done on one shore and what is said on the other is not incidental to such an enterprise but its working principle.

Here the doubling has to be done a third time, and the reason is the whole peculiarity of the case. The party that took Bengal was not a country. It was a corporation, chartered by a country, and the two wanted different things. Parliament and the Crown had licensed the venture and wanted from it what a state wants — customs, bullion, naval stores, saltpetre, and a rival kept out of the eastern seas. The men who owned the venture wanted a dividend. They were not the same men, they did not sit in the same building, and by the middle of the eighteenth century they had been arguing about the terms for a hundred and fifty years. So the audience whose belief this conquest ran on has to be reconstructed in two parts, and the seam this study will pry at runs not once but twice: between Bengal and London, and inside London, between Westminster and Leadenhall Street.

That, in turn, changes the question this collection normally asks of a colonial case. The usual form of it is geographical — what was hidden from the metropole is what the conquered lived, and the order's real task is keeping the two ends apart. But the deeper variable underneath the geography is not distance at all; it is *who is paying for the conquest and what their consent consists of*. A conqueror with no home treasury must satisfy an armed audience standing in front of him and pay it in cash within weeks. A nineteenth-century European state must satisfy voters, taxpayers and conscripts, and pays them in glory. The English East India Company had to satisfy a subscription list

— several thousand people who had never seen Asia, would never see it, held a piece of paper rather than a place, and could sell that paper on any day the exchange was open. Nothing else in this collection has an apex of that kind, and the whole study exists to find out what such an apex does to an order built underneath it.

Two shores, then, and on the northern one, two buildings.

Landscape I — Bengal on the eve

The layers, and how far down the built thing goes

Begin at the bottom, because that is where the durability was and because it belonged to nobody in the palace.

The Bengal of 1740 was not an ancient and untouched country onto which the Mughals had briefly settled. It was a stack of naturalised former conquests, each of which had once been somebody's deliberate arrangement and each of which had, by the time an Englishman got a look at it, simply become the way the world was. Beneath everything lay the jati order — a dense local allocation of occupation, marriage, food and rank, administered by nobody in particular and enforced by everybody, with Brahminical ritual authority at its apex and the village as its working unit. It had not been built by any throne, it depended on no throne, and it would not notice a throne's disappearance. Above it, and much more recently, ran an Islam that had reached the eastern delta not behind an army but with the plough. The best modern reconstruction of that process, Richard Eaton's, traces the spread of Muslim practice through the eastern districts to shrine-centred agrarian settlement across the sixteenth and seventeenth centuries, as forest was cleared into rice land under Mughal revenue grants and the holy man's establishment became the institution around which a new farming community organised itself. So even the peasant Islam of the delta, which by 1740 looked to any observer like a fact of nature, was in fact the residue of an agrarian frontier that the Mughal revenue system had itself financed within living memory of the grandfathers of the men then alive.

Over both lay the imperial apparatus, and here the recursion is legible in an object the reader can still buy a calendar with. The Bengali year in current use is counted from a zero point that is the accession of the emperor Akbar, and its shape — solar, pegged to the spring harvest and to the day the collector came, rather than to the lunar cycle of the Islamic reckoning — is the shape a Mughal fiscal reform gave it in 1584 so that the revenue demand would stop drifting away from the crop that paid it. The parentage is disputed in the specialist literature, some scholars deriving the Bengali era from the pre-Mughal sultans of the province rather than from Akbar's reform, and the mechanism

of the fusion is not agreed. What is not disputed is that a peasant in Nadia in 1740 reckoned his year on a system that a foreign dynasty had installed for tax purposes, and did not experience this as a foreign dynasty's arrangement at all. He experienced it as the year.

This is the point at which the discipline has to be stated once and then held for the rest of the study, because it will be tempting to forget it. Naming a thing's conquered origin is not debunking it. The varna order, the shrine, the calendar and the Persian revenue register were all built, by identifiable people, for identifiable reasons; and all of them had by 1740 become genuinely, unironically the country's own world, defended by people who would have been astonished to hear them called constructions. A thing that was built and then took is more durable than a lie, not less. What matters for this study is narrower and it is the thing to fix early: the order the Company was about to enter was cheap. It ran on its own subjects' conviction, needed no garrison to maintain the conviction, and cost its rulers almost nothing. The conquest that displaced it would be expensive from the first week and would stay expensive for a century.

The apparatus a stranger could enter

Above the village stood the layer that actually delivered the money, and its central fact has to be got right because everything downstream depends on it: **the zamindar was not a landowner.** He was a hereditary intermediary with a claim on a share of what was collected, standing between the state and the cultivator, holding a right that was heritable, divisible, saleable and mortgageable, and backed at the larger end by his own armed retainers. He did not own the soil; neither, in any sense a European lawyer would have recognised, did the state. The countryside was a nest of layered claims, and beneath the zamindar's sat the cultivator's own occupancy right, itself heritable and in many places transferable.

The second fact is the one the whole case turns on, and it is a distinction in the vocabulary of Mughal provincial government. A province had two halves. The **diwani** was the revenue administration — assessment, collection, accounts, the treasury. The **nizamat** was everything else: justice, policing, the army, the duty to govern. They were separate offices with separate officers, and a man could hold one without the other. Hold that distinction in view for the rest of the study, because in 1765 a corporation would take the first and leave the second where it lay, and the arithmetic of that division is the largest single thing this case has to teach.

The apparatus that made both worth having had been rebuilt within living memory by one man. Murshid Quli Khan came to Bengal as Aurangzeb's diwan at the turn of the century, moved the working capital from Dhaka to Makhsudabad on the

Bhagirathi and renamed it Murshidabad after himself, and set about reorganising the province's finances with a thoroughness nothing else in eighteenth-century India matches. He transferred the assignments of imperial rank-holders out to Orissa, which shrank the revenue alienated to soldiers and swelled the portion collected directly for the treasury. He carried out a fresh settlement in 1722, assessed on survey and higher than the settlements of Todar Mal and Shah Shuja that had stood before it, with the crown revenue reckoned in the region of a crore and a half of rupees. He divided the province into thirteen circles. And he collected through contractors who had to post a security bond before they could bid — the *mal zamini* — so that a man who failed to deliver forfeited property he had pledged in advance.

The political consequence of that system was not incidental and was not accidental. Zamindars who paid punctually and had bankers behind them were allowed to swallow the estates of zamindars who did not. Three risings against Murshid Quli's collectors were put down, and after each one the confiscated zamindari was conferred on Ramjivan of Natore, a small holder who had been reliable and whose brother was a trusted official — with the result that the enormous Rajshahi estate was assembled almost entirely out of other men's forfeitures. By the 1740s a handful of vast zamindaris held most of the province's assessment: Rajshahi, Dinajpur, Nadia, Birbhum, Bishnupur, Burdwan, and in Bihar the estates of Tirhut, Shahabad and Tekari. A baronage had been manufactured by deliberate administrative action inside a single generation, and the men who held it held it because a revenue officer had decided they should.

The essential thing about all of it, for the purposes of what came next, is that it was an **office**, not a lineage and not a creed. The diwan of Bengal held his post by appointment on paper from Delhi, and the qualification was fiscal competence. There was a chair, it was legible, it had a register and a staff and a treasury attached to it, and its occupant's authority came from an instrument rather than from his blood. A stranger could sit down in it. The whole question would be what the stranger inherited when he did.

Fracture without repudiation

By 1740 the chair was no longer Delhi's in any sense but the formal one, and the manner of that separation is the most important political fact on the Bengal shore.

Under Aurangzeb the province had remitted a great deal. The historian Ghulam Husain Khan, whose family served the Bengal nawabs and who watched most of what follows at close range, records in passing that when the emperor's grandson marched out of Bengal in 1707 to fight for the succession he intercepted and seized a convoy

carrying "a coror of rupees, (being the tribute of Bengal)" then on its way to the capital. A crore a year, moving north under escort, is what a working province of a working empire looked like. Murshid Quli went on remitting on something like that scale after he became the province's ruler as well as its accountant in 1717 — the figure usually given is a crore and three lakhs, dispatched after the year's accounts were closed at the spring festival.

And then the remittances thinned, and then they stopped, and nobody declared anything. Every Mughal form was kept and kept scrupulously. The nawabs took imperial titles and imperial patents, had the Friday sermon read in the emperor's name in their mosques, struck coin in his name, sent occasional tribute as a gift rather than a due, and continued to describe themselves as servants of a throne they no longer obeyed. This is the characteristic shape of an eighteenth-century Indian secession, and its logic is exact: every one of these men held his standing in a currency only the emperor could issue, so to repudiate the emperor would have been to destroy the value of his own title. What Delhi still had to sell was legitimacy, which cost a bankrupt sovereign nothing to supply; what Delhi had stopped receiving was money. The evidence of a fracture like this is fiscal rather than political, it appears in no chronicle, and nothing whatever changes on the map.

The consequence for this study is that the emperor's licence remained a real and purchasable commodity in Bengal for decades after the emperor had ceased to be able to enforce anything at all. In 1740 Alivardi Khan, the deputy governor of Bihar, marched on his own sovereign, defeated and killed the Nawab Sarfaraz Khan in the field at Giria, and installed himself — a straightforward coup by an officer against his master, financed and encouraged by the province's bankers. He then went to some trouble to have the arrangement regularised in the imperial forms. A man who had just taken a province by force still wanted a piece of paper from a court he could have ignored, and the fact that he wanted it is the cleanest evidence available that the paper was worth something to somebody whose compliance he needed.

The men who moved the money

Standing beside the nawab, and by the 1750s very nearly level with him, was a banking house.

The Jagat Seths — the title means banker of the world, conferred by imperial grant early in the century and held thereafter in the family — ran a network of agencies from Murshidabad that reached Patna, Dhaka and Delhi and connected to correspondents across the subcontinent. They issued *hundis*, inland bills of exchange, by which value moved on paper while the coin stayed put; that instrument, and not any state

apparatus, is how the tribute of Bengal had physically reached Delhi. They held effective control of the Murshidabad mint. They were the principal purchaser of the bullion that European ships landed. They regulated the exchange rates at which that bullion became rupees. They lent to the nawab, to the zamindars, and to the Europeans, and they had financed Alivardi's coup.

This is a shape the corpus has met before and should recognise here, because it is what happens when a state assesses its revenue in cash. A demand payable in silver, on a countryside that produces grain and cloth, brings into existence a function nobody performed at scale before — the long-distance movement of taxed value — and hands it to men who hold no office, owe no service and cannot be dismissed. Bengal's fiscal machine was the most efficient in India and it had, by that very efficiency, manufactured an irremovable third party who sat between the ruler and his own money. He could not be sacked. He could, however, be approached by somebody else, and in 1757 he was.

The floor, and what it had just been through

The Bengal the Company would eventually take was not a country at rest. It had spent the previous decade being burned.

From 1741 the Marathas of Nagpur under Raghuji Bhonsle raided into the province, six times over ten years, and Alivardi spent nearly the whole of his reign in the field against them. The raiders were called *bargi* in Bengal, and they burned Murshidabad's bazaar, plundered the Jagat Seth's own house, and worked systematically through Burdwan, Birbhum and Midnapore. Alivardi caught Bhaskar Pandit's army at Katwa on 27 September 1742 by attacking at dawn during the Durga Puja, having crossed two rivers in the night — an operation in which a boat-bridge collapsed and some fifteen hundred of his own men drowned. Ghulam Husain Khan's translator, comparing it to the two most famous retreats in European letters, described what the campaigning of those years was actually like: seven days from Midnapore to Katwa, through a miry country, under incessant rain, "with no bed for any man in the army but the bare ground, no covering but the Canopy of heaven, and no food but field-grass and tree-leaves."

The human cost cannot be counted and should be given as what it is. Jan Kersseboom, who ran the Dutch factory in Bengal at the time, estimated something approaching four hundred thousand killed in western Bengal and Bihar across the invasions; that is a contemporary European official's estimate rather than a count, it has been repeated ever since, and it cannot be independently verified. What is better attested is the direction of the damage. The Cossimbazar factory reported in 1742 that

the raiders had burned the houses where silk piece-goods were made, along with the weavers' looms. Robert Orme recorded that the country people fled toward Calcutta in large numbers whenever a rumour of the Marathas moved; Muslims of the western districts fled east. Calcutta dug a defensive ditch in 1743 which was never finished and which the city still calls the Maratha Ditch.

It ended in a purchase. By the settlement of 1751 Alivardi conceded Orissa to a Maratha-supported deputy and undertook to pay twelve lakhs of rupees a year as the *chauth* of Bengal and Bihar. He had held the province, at the price of a permanent tributary charge and a decade of devastation in its richest western districts.

Two things follow from that decade and both matter. The floor of the Bengal nawabi was real, and had recently been used hard and successfully — this was not a decayed regime that anybody could have pushed over. And it was exhausted, expensive, and full of men who had been recruited to fight the Marathas and had their own opinions about who should be paying them. Alivardi died on 9 April 1756 and was succeeded by his daughter's son Siraj-ud-Daula, a young man of about twenty-three with rivals inside his own family, an army officered by men his grandfather had bought, and a treasury committed to a Maratha tribute.

Whose belief was holding it up

Nothing in the apparatus of belief in Bengal belonged to the nawab, and nothing ever had. For the Hindu majority, formation ran through the village, the lineage, the jati and the Brahmin, and through a devotional landscape the state had not built and could not administer. For Bengali Muslims it ran through the shrine and the *pir* rather than the court. The one formation the state did run was a professional one for the men who worked the machine: Persian, which had been the language of revenue accounting across northern India since the 1580s and would remain the language of record in Bengal until 1837, and with Persian came a whole specification of what an accomplished person was, installed on boys, over years, in the households — many of them Hindu, Kayastha and Khatri — that supplied the province's clerks and accountants.

So the nawab held a quiet he had not earned and did not maintain. His subjects were not restive, and they were not restive because of arrangements a thousand years older than his office. Whoever occupied that chair next would inherit the same quiet along with the same tax rolls — and would be very likely to report it home, sincerely, as consent to himself.

Landscape II — the corporation, and the country that licensed it

Why England chartered rather than sailed

Cross to the other shore, and the first question is why the English state did not go to Asia itself.

When a hundred and one London merchants and citizens met in Founders' Hall on 22 September 1599 and subscribed some thirty thousand pounds, three models of the Indian trade were in front of them. The Portuguese ran a royal system: the king's ships, the king's cargoes, the king's officers. The Dutch were about to run a semi-national one, and did — in 1602 the States-General amalgamated the provincial companies into a single body with a joint capital of six and a half million florins, vested in it the power to make war and peace, seize ships, plant colonies, build forts and coin money, and reserved to itself the right to call for and audit its accounts. And the English had a third thing, older and less grand: the armed private trading company operating under royal licence, of which the Levant Company was the working type and out of which the East India adventurers largely came.

Elizabeth's position decided which of the three England would take, and it is worth reading as a piece of ordinary calculation rather than as national genius. She had been at war with Spain for fourteen years, she had no money to spare for a speculative fifteen-thousand-mile venture, and — this is the part usually left out — she needed to keep the option of disowning it. When the adventurers first petitioned in 1599 the Privy Council refused, precisely so as not to give Spain a fresh grievance while a peace was being negotiated, and the merchants were told to wait. They waited a year. When the Spanish negotiations came to nothing, the assent arrived. What she granted them, in the end, was not a national enterprise and not a semi-national one: she allowed a private group of her subjects to adventure their own capital, and gave them such privileges as did not interfere with her own foreign policy.

The merchants themselves had already identified, in a single sentence, the fact that made a corporation necessary. Their resolution of 25 September 1599 asked the queen to incorporate them, and gave the reason: **"the trade of the Indias being so far remote from hence, cannot be traded but in a joint and a united stock."** Read that as the founding proposition of everything that follows. The distance was eighteen months' round trip for a ship and a fortune. No individual merchant could lock capital up that long or bear the loss of a vessel; only a pooled and permanent fund could. But a pooled fund needs a legal person to hold it, and in 1600 a legal person could only be created by the Crown. So the distance produced the corporation, the corporation required a charter, and the charter required a sovereign willing to license a slice of his

own monopoly to a body of private men. The whole shape of the case is in that clause, and so is the seam: the same remoteness that made the joint stock necessary is the remoteness that would make the joint stock ungovernable.

On 31 December 1600 the charter issued, "for the Honour of our Nation, the Wealth of our People," and "the Increase of our Navigation, and the advancement of lawful Traffick to the benefit of our Common-wealth." It constituted the petitioners "one body corporate and politick, in deed and in name, by the name of the Governor and Company of Merchants of London trading into the East Indies," with perpetual succession, a common seal, the power to hold land and to sue and be sued, and management vested in a governor and twenty-four committee-men elected each July. It granted the exclusive privilege of the trade beyond the Cape of Good Hope for fifteen years, against all other English subjects, excepting only the ports actually held by a Christian prince in amity with the queen. And it provided that if the trade proved unprofitable to the realm the whole thing might be revoked on two years' notice.

The framework's discipline here is to name the legal fiction as fiction rather than treat it as neutral background, and this instrument makes that easy. A charter is a monopolist of organised violence licensing a share of its own monopoly to a claimant in exchange for a cut — a truce between the strong, written down. What the 1600 charter converted, and what its successors would go on converting, is worth stating precisely, because it is not one of the conversions this collection has previously named. It did not turn a relation between persons into a thing, and it did not turn a subsistence household into a wage-earning one. **It turned a portion of the sovereign's own prerogative into a transferable security.** From that day a man in London could buy a share of England's exclusive right to a hemisphere, and sell it again on Tuesday.

The accretion of sovereignty

The powers grew, and the manner of their growing tells you what the Crown thought it was doing.

In 1609 James I made the monopoly indefinite. After the Restoration, Charles II — chronically short of money, and repeatedly lent it by the Company — issued the charters that turned a trading body into a governing one. By their terms the Company might send ships of war, men and ammunition to its factories, choose commanders and officers over them, and give those officers authority, under the common seal, in words the Company itself recited in a later lawsuit: to "continue or make peace, or war, with any prince or people, that are not Christians, in any places of their trade, and also to right and recompense themselves upon the goods, estate, or people of those parts, by whom they shall sustain any injury." It was empowered besides to erect fortifications,

coin money, seize interlopers, and administer civil and criminal justice in its settlements.

Read that clause slowly, because it is the whole colonial bend of this case compressed into one sentence written in Whitehall. It is a licence for private war, granted by a state to a company, and the criterion that sorts the world into those who may be fought and those who may not is confessional. The Crown kept for itself the right to make war on Christians. It gave away, to twenty-four merchants in Leadenhall Street, the right to make war on everybody else — and added, in the second half of the clause, a licence of reprisal against the *persons* as well as the goods of any people from whom the Company took an injury it defined for itself. In 1668 Charles went further and leased the Company a territory: the island of Bombay, which he had received as a dowry, made over for a rent of ten pounds a year.

Adam Smith, looking back from 1776, gave the acid version of what had happened. In the greater part of the commercial states of Europe, he wrote, "particular companies of merchants have had the address to persuade the legislature to entrust to them the performance of this part of the duty of the sovereign, together with all the powers which are necessarily connected with it." The judgement is worth holding beside the better historical answer, which is that no persuading was needed: the regulated company grew out of the medieval trade guild by an entirely ordinary logic, on the principle that protecting a trade was a duty of the sovereign, that protection involved regulation, and that a trade was best regulated by a chartered body of the men who conducted it. Smith saw a capture. The mechanism was a default. Both are true, which is the usual condition of things this collection examines.

The monopoly was collateral

And now the fact that governs the whole arc of the study, including its ending.

By the 1690s the Company's exclusive privilege had become the most valuable saleable asset in English politics, and a state at war sold it. In 1698, Parliament — needing money for the war with France, and pressed by the interlopers who had been eating into the trade for a generation — accepted an offer from a rival syndicate and chartered a new East India Company in consideration of a loan of two million pounds to the state. The old Company, characteristically, subscribed three hundred and fifteen thousand pounds into its rival and thereby into its rival's governance, fought it to a standstill in England and in Asia, and in 1708–09 merged with it. Under the tripartite indenture that produced the United Company, the government's total debt to the merged body stood at £3,200,000; the Company advanced a further sum on easy terms; and the monopoly was to run for a stated minimum, after which the government

might extinguish the exclusive privilege by repaying its debt and giving three years' notice. The pattern repeated at every renewal — 1712, 1730, 1744 — each extension of the charter attended by a loan.

State this plainly, because everything else in the study will lean on it. **The Company's right to exist was never a gift. It was a security interest, and the terms of its redemption were written into the instrument.** Parliament had not merely retained a theoretical power to abolish its creature; it had specified the price and the notice period in 1709. When the abolition eventually came, in 1858, nobody would have to invent an authority to carry it out. The Company had bought, on the open market, an asset that came with a call option attached, and the option had been held by the licensor from the beginning.

The constitution of the thing

The body that owned all this governed itself, and the mechanics repay attention because they will decide a great deal.

A Court of Directors of twenty-four members, elected annually, sat at East India House in Leadenhall Street and ran the business — correspondence, shipping, appointments, war and peace. They were elected by, and answerable to, the Court of Proprietors, the general meeting of stockholders, which contemporaries called the Company's little parliament and which could and did overturn its directors. The franchise was the interesting part. Any holder of £500 of East India stock had a vote. He had one vote, and one only, however much more he held; and no minimum period of holding was required.

A flat franchise above a low threshold, in a security freely traded on an open market, has an obvious property, and everyone concerned understood it perfectly. A large holding could be broken into £500 parcels, parked in the names of friends, servants and relations before an election, and reassembled afterwards. The practice had a name — splitting — and it meant that control of the Company was purchasable, in bulk, by anyone with enough capital and a few weeks' notice. The importance of this for the study is not procedural. It is that a fortune made in Bengal could be carried home and converted directly into control of the institution that had generated it, without any intervening step, and that the men who would shortly be making such fortunes could see this as clearly as anyone.

Ask the framework's standing question of a proprietor and notice what comes back. *If this arrangement collapsed tomorrow, would this man be better or worse off?* He would be worse off by the amount of his holding — but he need not wait for the collapse. He can leave at a price, on any day the market is open, without getting out of his chair in

Bath. Every default this collection has so far examined bound men who were *in* the arrangement and stood on ground it had given them. This one binds men who hold a piece of paper. Whether that is a weaker tie is the question the study will have to answer, and it cannot be answered from the landscape.

What the men in Bengal could see, and what they were paid

The last thing to establish on this shore is the position of the actual Englishmen in Bengal, because their field of view and their pay packet between them explain nearly everything about the crisis of 1756.

The Company paid its servants almost nothing. A writer's salary was a formality; the real income of a Company man in Bengal was his private trade within India, which the Company permitted because it could not have recruited anybody otherwise. And the instrument by which that private trade was made profitable was one the Company had obtained from an emperor who no longer controlled the province it applied to.

In 1717, after a three-year embassy under John Surman, the emperor Farrukhsiyar issued a farman granting the Company duty-free passage for its goods through Bengal, by land or water, on payment of an annual *peshkash* of three thousand rupees; the accompanying order allowed the chief of the factory to issue *dastaks*, passes under which goods travelling in the Company's name were not to be examined at the customs houses. On its face this was a concession to the Company's export trade. In practice the servants used the Company's dastaks to move their own private goods free of duty, and then began selling dastaks to Indian merchants who would otherwise have paid. The nawab's customs revenue was the party that paid for the difference, and successive nawabs said so, at length, for forty years.

That arrangement had already fixed the shape of the coming quarrel before anybody drew a sword. The Company wanted a quiet province and steady deliveries of cloth. Its servants wanted a paper they could sell. The nawab wanted his customs. And the emperor whose seal made the paper valid had no power in Bengal whatsoever.

Now the fields of vision, because they are the least appreciated fact in the whole case and they decided what each party did.

What a Company servant could see of Bengal was a river, a customs house, an *aurang* where weavers worked to advance, a warehouse, and a price. He dealt with agents and brokers, and everything he knew about the province came through that channel. What he could not see was the revenue system — its registers were in Persian, kept by hereditary local officers who had held the custom of their districts for generations, and no Englishman had access to any of it. The Company's picture of Bengal's wealth in 1750 was therefore a picture of its export trade, which is to say a

picture of the coast. When it eventually acquired the revenue administration, it would acquire a machine it had never once looked inside.

What the nawab could see was a fortified factory containing a few hundred Europeans, on a river, in a province where he could put tens of thousands of men in the field and had just spent ten years doing so against the Marathas. He priced them accordingly. His estimate was correct. It stayed correct for as long as the decisive money was being paid to people outside his camp rather than to people inside it.

What the Court of Directors could see was a letter three to five months old. A ship took a season each way, so a question and its answer took the better part of a year and frequently a good deal more, and every instruction sent from Leadenhall Street answered a situation that had already ended before the paper reached the Hooghly. The Directors were not being deceived about this; they knew it and complained about it constantly. But it means that the gap between what was decided in London and what was done in Bengal was not, in the first instance, produced by anyone concealing anything. It was produced by the Atlantic, the Cape and the monsoon, and it was baked into the enterprise from the founding minute that named the trade "so far remote from hence."

The seam this study will pry at

Set the two landscapes side by side and the shape of what follows is already visible.

On the eastern shore: a province of somewhere between twenty and thirty million people, on estimates that vary widely and none of which is a count; the richest single item in an imperial revenue account, run by an apparatus that was surveyed, staffed, recorded and working; an office at the top of that apparatus that a stranger could enter, because its authority came from an instrument rather than from blood or creed; an intermediary layer of hereditary revenue-holders who could not run away and did not want to; a banking house that moved all the money and could be approached; a floor that had proved itself against the Marathas and had been exhausted doing it; an emperor whose licence was still worth buying and whose orders were worth nothing; and, underneath the whole thing, a population held down by a belief no ruler had installed and none could remove.

On the western shore: a corporation with a private army, a licence from its own king to make war on any prince or people that were not Christians, a monopoly pledged as collateral against a national debt and terminable on repayment, an electorate that could be bought in five-hundred-pound parcels, a governing board eighteen months from its own employees, and servants in Bengal whose personal fortunes depended on a tax exemption the government of Bengal disputed.

And in between, absent: a metropolitan public. This is the feature that most sharply distinguishes the case from the other colonial studies in this collection. In 1750 there was no British opinion about Bengal to manage, because almost nobody in Britain had one. Bengal was a line in a sale catalogue at India House. The seam between what was done in the province and what was known at home was therefore held open at the outset not by concealment but by indifference — a distinction the framework insists on, since an uninteresting fact is safer than a censored one, and the absence of suppression may mean nobody was watching rather than that anything was hidden. Whether that indifference survived contact with a corporation acquiring a province, and what happened to the enterprise when it did not, is one of the two or three things this study is for.

The method throughout will be the one the collection uses: set the exact public words beside the exact private ones and let the distance stand. The charters, the farmans, the treaties and the parliamentary Acts on one side; the ledgers, the consultations and the letters on the other. The arithmetic laid out, the sum left to the reader.

Reading the two landscapes against the framework

Three refinements, offered as the beginning of an argument the later modules will have to earn rather than as findings already made.

First: the question about the seat needs a level attached to it. This collection asks, of every conquest, whether the previous order left a coordination point a stranger can capture and operate, or left none, so that the newcomer must build his collaborators himself. Bengal answers yes — but it answers yes at three different depths, with three different answers, and the interesting one is not the top. There was a seat at the apex, the nawabi, and a stranger could have taken it, at the cost of then having to supply its warrant himself. There were thousands of seats in the middle, every one occupied hereditarily by a man with his own retainers, which could be rented but not taken. And there was, between the two, something this corpus has not previously had to name: a **subordinate office that carried the money and not the duty**. The diwani was the revenue half of a provincial government whose other half stayed where it was. A newcomer who takes the apex must answer for the government and must find a warrant to do it with. A newcomer who takes a subordinate office inherits the warrant of whoever remains above him, need mint nothing of his own, and leaves somebody else answerable for the governing. The question to ask of a conquered order is therefore not only *is there a seat and can a stranger sit down*, but *how far down the hierarchy is the*

lowest seat that carries the revenue — because that is the cheapest one to take, and taking it is the move a party with a shareholders' meeting to satisfy will find most attractive.

Second: whose belief pays for the conquest — and a third answer to it. The geographical seam this collection normally pries at is a symptom rather than the variable. The variable is who funds the enterprise and what their consent consists of. The corpus already holds two answers. A conqueror with no home treasury faces an armed audience standing in front of him and must pay it in cash within weeks. A nineteenth-century European state faces its own voters, taxpayers and conscripts, and pays them in national glory across an ocean they will never cross. This case supplies a third and, so far, the limiting form: **the funder is a market.** Its consent is a share price, its instruction is a dividend resolution, its withdrawal is a sale rather than a riot, and it is composed of people who hold a piece of paper rather than a piece of ground. Nothing else here has an apex that can be liquidated. Whether such an apex generates a weaker default than a landed one — whether a man defends an arrangement as fiercely when he can exit at a price as when he cannot — is the single most valuable thing this case could yield, and the module on elite coordination will have to answer it rather than assume it.

Third: a founding instrument can convert a third kind of thing. The settlement instruments this collection has examined perform two conversions: at the elite level they turn a relation between persons into a transferable thing, so that office-land or clan land becomes an estate that can be granted; at the mass level they turn a subsistence household into a wage-earning one by demanding payment in a currency it does not hold. The English charters do neither, and do something else. They **convert a portion of the sovereign's own prerogative into a transferable security** — the right to make war, to coin, to fortify and to judge, detached from the Crown, vested in a joint stock, and thereafter bought and sold on a London exchange. That conversion is what makes the rest of this study possible, and it has a property the other two do not: a security can be redeemed. The instrument that created the Company's sovereign powers in the seventeenth century, and pledged them against a national debt in 1709, specified the terms on which they could be bought back. The beginning and the end of this order were written by the same hand, in the same kind of document, a century and a half apart.

A note on sources. The exact quotations on the English side are from public-domain texts. The founding resolution that the Indian trade "cannot be traded but in a joint and a united stock," the recitals of the 1600 charter ("for the Honour of our Nation, the Wealth of our People"; "one body corporate and politick, in deed and in name, by the name of the Governor and Company of Merchants of London trading into the

East Indies"), the account of the Founders' Hall meetings of September 1599 and September 1600, the Privy Council's refusal of October 1599, the comparison with the Portuguese and Dutch models and the terms of the Dutch charter of 1602, and the observation that the queen allowed a private group of her subjects to adventure their capital and granted them such privileges as did not interfere with her own foreign policy, are all from the chapter on the constitution of the first English East India Company in volume VI of the *History of India* published under A. V. Williams Jackson's editorship (1906–07). Adam Smith on companies of merchants having "the address to persuade the legislature to entrust to them the performance of this part of the duty of the sovereign, together with all the powers which are necessarily connected with it" is from *The Wealth of Nations* (1776), Book V, chapter I, part III. The charter language on making "peace, or war, with any prince or people, that are not Christians" and on the Company's liberty to "right and recompense themselves upon the goods, estate, or people of those parts" is quoted as the Company itself recited its charters in pleading in *Nabob of Arcot v. East India Company*, reported in the English Reports; the recital is the Company's own summary of the grants rather than the letters patent verbatim, and it is used here for that reason as well as for its wording.

On the Bengal side, the exact quotations are from the public-domain translation of Ghulam Husain Khan Tabatabai's *Seir Mutaqherin* made by M. Raymond under the pseudonym Nota Manus (Calcutta, 1789; the 1902 Calcutta reprint has been used): the seizure in 1707 of "a coror of rupees, (being the tribute of Bengal)" is from the author's own narrative, and the description of Alivardi Khan's retreat from Midnapore to Katwa with "no bed for any man in the army but the bare ground, no covering but the Canopy of heaven, and no food but field-grass and tree-leaves" is from the translator's preface. Ghulam Husain Khan is the indispensable non-European witness to this whole period and will be quoted throughout the study; he was a relation of Alivardi Khan's house, he wrote with a declared intention of setting down what he knew "in a plain unornamented style," and he is a partisan of the order the Company displaced, which is exactly why he is worth having. His translator, an interested party who dedicated the work to Warren Hastings, is a separate voice again and is treated as one.

Modern scholarship is paraphrased and credited: Richard M. Eaton on shrine-centred agrarian settlement and the spread of Islam in the eastern Bengal delta; Irfan Habib on the nature of zamindari right and on nested claims in land; the standard accounts of Murshid Quli Khan's administration for the removal of the capital to Murshidabad, the transfer of assignments to Orissa, the settlement of 1722, the thirteen circles, the *mal zamini* security bond and the revenue-farming system;

Ratnalekha Ray for the deliberate manufacture of the great Bengal zamindaris out of confiscated estates and the specific case of Ramjivan of Natore; the literature on the Jagat Seths for the hundi network, the mint, the purchase of imported bullion and the financing of Alivardi Khan's coup; H. V. Bowen and Lucy Sutherland on the Court of Proprietors, the £500 franchise before 1773 and the practice of splitting; and Dan Bogart and the recent institutional literature on the successive loans by which the monopoly was renewed.

Contested figures are given as ranges or with their provenance stated, and several are not verifiable at all. The population of Bengal, Bihar and Orissa in the middle of the eighteenth century is usually put somewhere between twenty and thirty million on reconstructions with very wide margins, none of them a count. The imperial tribute of Bengal is given as "a crore" on Ghulam Husain Khan's own wording for 1707 and as a crore and three lakhs for Murshid Quli's later remittances on the standard accounts; the 1722 khalsa assessment is variously reported and is given here only as being in the region of a crore and a half. The mortality of the Maratha invasions rests on Jan Kersseboom's contemporary estimate of close to four hundred thousand for western Bengal and Bihar, which is a Dutch factory chief's figure rather than a count and cannot be checked; the fifteen hundred drowned in the boat-bridge collapse before Katwa and the twelve-lakh annual chauth conceded in 1751 are the conventional figures. The parentage of the Bengali era is actively disputed between derivation from Akbar's calendar reform of 1584 and from the pre-Mughal sultans of Bengal, and is flagged here rather than resolved. Every load-bearing fact in this landscape is to be re-verified before it is built upon.

MODULE 1

The Sale of a Jackass

Module 1 · The Floor of Force — a founding that was a purchase rather than a battle, an army hired out of the country it took, and a province transferred across two dining-tables joined together in a tent

Twenty-two men

The Battle of Plassey, fought on 23 June 1757 on a mango grove by the Bhagirathi about a hundred miles north of Calcutta, cost the East India Company somewhere between twenty and seventy men. The most commonly cited return gives twenty-two killed and about fifty wounded; other accounts put the total casualties around sixty-five. On the other side, against an army generally reckoned at fifty thousand, perhaps five hundred died.

Six weeks later the new Nawab of Bengal began paying out one crore and seventy-seven lakhs of rupees to the Company as compensation for the loss of Calcutta the previous year, together with something in the region of fifty lakhs distributed among the Company's servants, officers and naval officers as presents, the zamindari of the twenty-four parganas south of Calcutta, and — to the commander of the expedition personally — an estate whose quit-rent was worth three lakhs of rupees a year for as long as he lived.

Set the two columns beside each other and the founding of this order is already visible. It is not a conquest in the sense the rest of this collection has had to describe. It is a purchase, and the thing purchased was not territory but the command structure of the government that held the territory. What follows in this module is the reconstruction of how that purchase was arranged, what it cost, who actually did the fighting when fighting eventually became necessary, and by what instrument the whole thing was made lawful eight years later.

A warning about instruments belongs at the front rather than the end. Every measuring device this collection owns — casualty counts, siege chronologies, the reduction of fortified places — is built to register commissions of violence, and run over the founding of the Company's power in Bengal it will return a very small number. That number is not a finding about gentleness. It is a finding about the instrument.

What the Company had in Bengal in the summer of 1756: nothing

Begin where the Company actually stood, because the founding legend that grew up afterwards obscures how nearly the whole thing ended before it began.

In the summer of 1756 the young Nawab Siraj-ud-Daula, provoked by the Company's unauthorised strengthening of its fortifications and by a long-running quarrel over the customs exemption its servants were abusing, marched on Calcutta and took it. The garrison's commanders fled downriver. The survivors were confined overnight in the fort's punishment cell in the June heat, and a large but hotly disputed number of them died there — the episode the Company's own literature would spend the next century calling the Black Hole, on a mortality figure supplied by an interested survivor and revised downward by almost everyone since. What is not in dispute is the strategic position. As the Company's own nineteenth-century historian would put it, describing the state of affairs when Clive landed in 1757, he found the Company's factory in ruins and their servants in exile.

The force that recovered Calcutta was not raised in Bengal and did not belong to Bengal. It was a detachment sent up from Madras — Company troops under Robert Clive with a squadron of the King's ships under Admiral Charles Watson — which is to say that the Company's floor at the founding was a mobile asset shifted between its own establishments as need arose, the property of a corporation rather than of any country. Calcutta was retaken in January 1757. Clive then took the French settlement at Chandernagore, which removed the only European rival in the province and, incidentally, removed the Nawab's only European counterweight.

At that point the Company held a river, a fort and a few thousand men in a province of twenty to thirty million people whose ruler could put fifty thousand into the field. What it did next did not require any of them.

The purchase

The conspiracy against Siraj-ud-Daula was not the Company's invention and did not begin with it. The Nawab had acceded in April 1756, aged about twenty-three, over the claims of relations who did not accept him; his grandfather's commanders were men who had been recruited during ten years of Maratha war and had their own views; and the bankers of Murshidabad, the house of Jagat Seth, had good reason to want him gone, having been threatened and, on one account, humiliated by him. William Watts, the Company's man at the Nawab's court, reported the existence of the plot to Calcutta. The Select Committee resolved on 1 May 1757 to join it.

The terms were reduced to writing. Mir Jafar — the Nawab's own paymaster of the army and a relation by marriage — was to be raised to the throne; in exchange he would confirm the Company's privileges, compensate it for the losses at Calcutta, cede the twenty-four parganas, and make very large payments to the Company's servants individually. The agreement was signed on 5 June 1757, eighteen days before the battle it was designed to make unnecessary.

One detail of the drafting deserves to be recorded exactly, because it is the first instrument this order produced in Bengal. Omichund, the merchant who had brokered the approach, learned of the arrangement and threatened to betray it unless his share was raised to thirty lakhs. Clive's expedient was to have two treaties drawn: a real one on white paper, which did not mention Omichund, and a fictitious one on red paper, which did. Admiral Watson declined to sign the false document, and his signature was applied to it by another hand. Omichund was shown the red treaty, kept quiet, and received nothing.

The framework's discipline is to name a legal instrument as the primary fiction of an order rather than treat it as background, and here that discipline needs no effort at all. The founding instrument of the Company's power in Bengal was executed in two versions, one of which was a forgery, and the forgery was aimed not at the metropole and not at the conquered population but at a fellow member of the conspiracy. Everything this study will later have to say about the distance between what was written and what was done can be dated from a piece of red paper in June 1757.

The battle that was not fought

On 23 June the two armies faced each other. The Company's force was small — the standard figure is around three thousand, of whom roughly two thousand two hundred were Indian sepoys and eight hundred European, with a modest train of guns. The Nawab's army is usually put at fifty thousand, with something like fifteen or sixteen thousand horse and upwards of forty guns, some of them served by French artillerymen; Clive's own report of 26 July gave about fifteen thousand horse and thirty-five thousand foot with upwards of forty pieces of cannon.

It was deployed in a crescent, and the crescent contained four commands. One of them, under Mir Madan, fought. The other three — under Mir Jafar, Rai Durlabh and Yar Lutuf Khan — stood where they were. Mir Madan was killed by a cannon shot; his men, who had been holding the action, gave way; and by five in the afternoon the Company held the Nawab's camp. Siraj-ud-Daula fled on a camel to Murshidabad, and was captured and killed on or about 2 July by Mir Jafar's son.

Now read that battle against what the framework already holds about the order it was fought inside.

The Mughal settlement had bound its service elite by a status good that only the apex could issue: a rank that was a place in a visible line, awarded and not inherited, lapsing at death, worthless outside the arrangement, and comparative — so that a man's whole worth was an entry in a register somebody else kept. That design was extraordinarily successful at preventing the nobility from combining against the throne, and its most striking demonstration had come exactly a century earlier, when the entire military elite of a subcontinent fought a four-year civil war over the succession without a single participant proposing to alter the arrangement itself. The corpus's reading of that episode was that a man whose worth is a number in a register does not benefit from the register being destroyed; he benefits from being high in it, and there is going to be a register either way.

Plassey is that mechanism running one level further down, and running to the advantage of a buyer from outside. The three commanders who stood still were not cowards and were not, in their own terms, doing anything unprecedented. They were rank-holders whose positions came from an apex, they had been offered better positions from a different apex, and the arrangement they had been formed inside had taught them, over seven generations, that the apex is whoever is issuing. What the Company purchased at Plassey was not a battle. It was the difference between two issuers, and the price was set by the internal rivalries of the Bengal command rather than by anything the Company could have done to it in the field.

That is why the founding cost twenty-two men.

The price, set out as a schedule

The payments are the real record of what happened, and they should be laid out in order rather than summarised, because the shape of the list is the finding.

1757, Mir Jafar installed. One crore seventy-seven lakhs of rupees to the Company as compensation for the losses at Calcutta. Approximately fifty lakhs distributed as presents among the Company's servants and the army and naval officers. The zamindari of the twenty-four parganas. Undisturbed free trade in Bengal, Bihar and Orissa, and an understanding — not written into the treaty — that the Company's servants would no longer be asked to pay duty on their private trade. And, two years later, a grant to Clive personally of the quit-rent on the ceded lands, some three lakhs a year, which he drew until the Court of Directors stopped it and he sued them in Chancery to get it back.

1760, Mir Jafar deposed and Mir Qasim installed. The Council sent Governor Vansittart to Murshidabad with a hundred and eighty Europeans, six hundred sepoys and four guns to persuade the old man to resign; he refused, and submitted. Mir Qasim ceded Midnapore, Chittagong and Burdwan, then reckoned to furnish a third of the revenue of Bengal, and paid a gratuity of twenty lakhs, of which Vansittart took five and Holwell three.

1763, Mir Qasim deposed and Mir Jafar restored. The old man — seventy-two, and by Marshman's account scarcely able to move for leprosy — was brought back out of retirement and required to confirm his predecessor's cessions, to concede the duty exemption the Council had gone to war for, and to make large donations to the members individually. In 1764, with the war still running, the Council presented him with a bill for "compensation for losses" that opened at ten lakhs, rose to thirty, then forty, and stopped at fifty-three; and it was stipulated that this claim should be satisfied *before* any payment was made into the Company's own treasury for the expenses of the war. The war expenses were then covered by the servants lending back to the government, at interest, the money the Nawab had just paid them personally.

1765, Mir Jafar dead and Najm-ud-Daula installed. Twenty lakhs to the members of Council, and a confirmation of the duty-free inland trade. The Directors' express orders forbidding the receipt of presents had already reached Calcutta; they were, in Marshman's word, thrown aside.

Four nawabs in eight years, and every accession a transaction. The Company's own historian, writing a century later and with every wish to defend the enterprise, called the making of nawabs "one of the most lucrative employments of the Council," and concluded that "the effrontery exhibited during these five years' of crime makes one blush for the honour of England." That verdict is worth holding on to, but so is the sentence he wrote immediately after it: "the only relief to the mind is to be found in the consideration that it was an exceptional case." The earliest full British narrative of the conquest contains, already, its own quarantine — the crime named at full strength and then fenced off from the enterprise it founded.

The war fought over a tax exemption

The one genuine war of the founding period was not fought to acquire territory. It was fought because a ruler of Bengal proposed to charge his own subjects the same rate of duty that the Company's servants were paying, which was nothing.

The mechanism has to be understood precisely. The imperial farman of 1717 had exempted the Company's *own* goods from inland duties on payment of three thousand rupees a year, and allowed the chief of the factory to issue *dastaks*, passes under which

such goods travelled unexamined. Nothing in it covered the private trade of the Company's servants. After Plassey the servants claimed the exemption for their private goods anyway, and then extended it further. Marshman's description of the consequence is the best short account in the literature and is worth quoting because it is a British source and a friendly one:

> *"The native merchants, moreover, anxious to pass their goods duty free, were led to purchase dustucks from some of the Company's servants, even at a high premium, and the boys in the service, with less pay than fifty rupees a month, were enabled to realise an income of 15,000 or 20,000 rupees a year. To increase the confusion, any native trader who wished to evade the duties, had only to hoist the English nishan, or flag, on passing a customhouse. In every instance in which this symbol of impunity was not respected, sepoys were sent to drag the Nabob's officers as culprits to the nearest factory, and they soon came to understand the danger of offering the slightest resistance to the most glaring frauds."*

Three hundred times a man's salary, from a piece of paper; a flag that made a boat immune; and armed men sent to arrest customs officers who checked one. The Nawab was being deprived of a principal head of revenue by the private arrangements of the servants of a corporation who were not, on any reading of any document, entitled to the exemption they were selling.

Mir Qasim, who was by common consent the ablest of the four nawabs and who had moved his capital three hundred and twenty miles upriver to Monghyr to get out of range of Calcutta, tried first to negotiate. Vansittart went up to Monghyr and agreed a compromise: the Company's servants would pay nine per cent on their private trade, against the twenty-five per cent that in many cases fell on the Nawab's own subjects. The Council in Calcutta refused to ratify it, and declared that they would pay no more than two and a half per cent, and that on salt alone. In March 1763 the Nawab responded by abolishing all transit duties throughout his country, for everybody — equalising his own subjects and the foreigners at zero.

The Council voted this a crime. Marshman states their position in a sentence, and it is the plainest statement of the arithmetic the founding actually ran on: they "demanded, as a matter of right, that the native trade should be subject to the usual duties, while their own was exempted from them." Vansittart argued against it and was supported by one member, Warren Hastings; another member of the board struck Hastings in the course of the debate. The majority prevailed, and war followed in July.

It was short and it was real. The Company's field army — six hundred and fifty Europeans, twelve hundred sepoys and a troop of native cavalry — beat Mir Qasim's troops at Katwa on 19 July, occupied Murshidabad on the 24th and reinstalled Mir

Jafar, and fought a four-hour action at Gheriah on 2 August against the European-drilled army that the Armenian Gurghin Khan had built for the Nawab at Monghyr, of which Clive said afterwards that never did troops fight better.

The war's atrocity belongs in the record and so does the detail of how it was committed. Losing, Mir Qasim ordered the killing of the English prisoners held at Patna. His own officers refused: they replied, on Marshman's account, that they were soldiers and not executioners, and said, "Turn them out with arms in their hands, and we will fight them to the death." The order was carried out instead by a European mercenary in the Nawab's service, a former sergeant known as Sumroo, who fired volleys through the shuttered windows of the house where the prisoners were held until forty-eight English gentlemen, among them the Patna chief Ellis whose seizure of the city had begun the fighting, and about a hundred soldiers, lay dead. Two years later the treaty that ended the whole business would name him in a clause of its own, in the phrasing of the document itself: "Sumroo the assassin of the English."

Buxar: the battle that was actually fought

Mir Qasim fled west and assembled the only coalition that could have reversed the outcome — himself, Shuja-ud-Daula the Nawab of Awadh and Vizier of the Empire, and Shah Alam II, the Mughal emperor in person. On 22 October 1764, near Buxar on the Ganges about eighty miles west of Patna, that coalition met a Company army under Major Hector Munro and was destroyed. Marshman and some other accounts date the action to the 23rd; the 22nd is the more usual.

The numbers matter more here than at Plassey, because this time everybody fought. The allied army is generally put at forty thousand and sometimes higher. Munro had a little over seven thousand men engaged — a figure that appears in the literature broken down as eight hundred and fifty-nine British, five thousand two hundred and ninety-seven Indian sepoys and nine hundred and eighteen Indian cavalry, though the totals given for the Bengal establishment as a whole run much larger and the breakdown should be treated as an order of magnitude rather than a muster roll. Company losses are given as two hundred and eighty-nine killed, four hundred and ninety-nine wounded and eighty-five missing; Fortescue's figure for the total is about eight hundred and fifty. The allied dead are put anywhere between two thousand and six thousand. A hundred and thirty guns were taken.

Hold the composition of the winning army in view, because it is the finding of this module. The force that broke the combined armies of the Nawab of Bengal, the Nawab of Awadh and the Mughal emperor, and thereby delivered the revenue of eastern India to a corporation in Leadenhall Street, was between three-quarters and

four-fifths Indian, and the great majority of those men were recruited from Bihar and Awadh — from, that is, the very country the coalition was fighting for.

The floor was hired, not built

The Company did not create an army in Bengal. It bought into a market that already existed.

The first locally raised unit, the Lal Paltan, was formed in 1757 out of men who had served in the Nawab's army — Bihari and Awadhi soldiers whom the Bengal establishment collectively called Purbiyas, the easterners, together with Bengalis and Pathans. By 1764 the establishment ran to around twenty sepoy battalions, numbered by the seniority of their captains rather than by any regimental system. A battalion was several hundred Indian privates under Indian non-commissioned and commissioned officers — havildars, naiks, jemadars and subedars — with a small cadre of European officers over the whole. The Bengal establishment came to draw very heavily on high-caste rural recruits, Rajputs and Bhumihars, from Awadh and Bihar, and would go on doing so for the better part of a century.

The precondition for all this was not European genius and was not, at this stage, superior weapons in any decisive sense; the Nawab's army at Gheriah was drilled on the Company's own model and firing muskets made at Monghyr that a British historian conceded were better than Tower proof. The precondition was that northern India contained an enormous, deep, liquid market in military labour, built up over two centuries by an empire that paid its soldiers through rank-holders and assignment-holders and had trained several generations of families to sell military service for cash. A conqueror arriving in such a country does not need to import an army. He needs to import a payroll and an officer corps, and he needs to pay more regularly than the incumbent — which, in a province whose treasury had just been drained by four successive accession payments, was not difficult.

That is the cheap half. The dear half is what the same arrangement implies about who the floor belongs to, and the founding period supplies the evidence before the arrangement is even eight years old.

What the floor cost, and what it was owed

In the summer of 1764, between the massacre at Patna and the battle at Buxar, the Company's sepoys mutinied.

The grievance was money, and specifically the money this module has been listing. The sepoys held that they had received far too small a share of the "donations" the

puppet nawabs had been making to the army, and demanded a large donation and increased pay. The demand was refused, and an entire battalion marched off to the enemy with its arms and accoutrements.

Munro, newly in command, had the battalion pursued and brought back. Twenty-four of the most active were arraigned before a field court-martial — a court, Marshman records, consisting of native officers — and found guilty. Munro ordered four of them blown from the guns, and four grenadiers came forward and asked to be first, on the ground that they had always been foremost in danger. The European officers then reported that the sepoys had resolved to permit no further executions. Munro loaded his guns with grape, placed his European soldiers in the intervals between the native battalions, ordered those battalions to ground arms, and told them he would fire on them if a single man moved. Sixteen more were blown away.

The number is not settled, and the disagreement is instructive. Marshman's narrative gives twenty-four condemned and twenty executed; Munro's own report to the House of Commons is cited for twenty-four executed; his letter to the Company of 18 September of that year is cited for twenty-five, with the places of execution set out. A commander disagreeing with himself by one about how many of his own men he had killed is the ordinary condition of this evidence and should be stated as such.

Four months later Munro took the same army to Buxar and won.

And then, in 1766, the floor turned again — on the other side. The Court of Directors had ordered the abolition of the double *batta*, the field allowance that Mir Jafar had doubled out of gratitude and that the officers had come to regard as a right; the cut was worth a thousand rupees a month to a captain. The European officers of the Bengal army organised against it: a committee of secrecy in each of the three brigades, a fund to indemnify anyone who suffered by the protest — to which discontented civilians in Calcutta contributed more than a lakh and a half of rupees — and an agreement that two hundred officers would resign their commissions on the same day, timed for a moment when a large Maratha force was reported to be moving on Bihar. Clive, who had returned as governor the previous year, refused, saying he must see the soldiers' bayonets levelled at his throat before he would give way; he ordered every tendered commission accepted, sent the ringleaders under arrest to Calcutta, and called up cadets from Madras. The combination collapsed within a fortnight.

The detail that matters for this module is how it was broken. In two instances, Marshman records, the sepoys — the same men who had been in a state of mutiny two years before, under the same guns — were actively employed in coercing their

European officers, and one battalion marched more than a hundred miles in fifty-four hours to arrive in time to prevent an outbreak.

Read those two episodes together and the character of this floor is exact. It is not a formed national army and it is not a co-opted victim population pressed into policing itself. It is a professional force, recruited by contract out of a labour market, which will mutiny over its share of a payment and will also, two years later, march through the night to put down a mutiny of the men who command it. Its loyalty runs to the employer rather than to the officers, the flag, or the country, and it is available on terms — regular pay, a share of the donations, and respect for the conditions on which it enlisted. Whoever meets those terms holds it.

Marshman, writing in 1867, drew the obvious line himself. Munro's executions, he wrote, ended "the first of that series of mutinies which broke out from time to time among the native sepoys — chiefly after a successful campaign, when they are least amenable to reason — and terminated in less than a century in the dissolution of the whole Bengal army." The racial theory of native insubordination that he wraps around the observation is his own and is worthless. The observation is not. A Victorian historian, a decade after 1857, looked back at 1764 and correctly identified the same institution failing on the same terms.

Two dining-tables in a tent

The founding ends with a document, and the scene of its execution is the best short summary of the whole case.

After Buxar the emperor Shah Alam II, who had come to the field with the losing coalition, moved to the Company's camp. Clive, back in Bengal since May 1765, went upcountry in June to settle everything at once, and settled it in three parts. Shuja-ud-Daula, whose kingdom was forfeit by the usage of the country, got Awadh back minus the districts of Kora and Allahabad, and paid fifty lakhs as war indemnity. Those two districts went to the emperor, along with an annual payment of twenty-six lakhs of rupees from the revenues of Bengal and Bihar. And the Company asked for, and received, the *diwani* — the revenue administration of Bengal, Bihar and Orissa — by imperial farman.

The act was completed on 12 August 1765. Marshman's account of the ceremony is worth having in full:

> *"As a substitute for a throne, two dining-tables were joined together in Clive's tent, and covered with embroidery. The emperor took his seat on a chair planted on*

them, and transferred the government of twenty-five millions of people, and an annual revenue of four crores of rupees to Lord Clive, on behalf of the Company."

The historian of the order that was being displaced watched the same event and recorded a different reaction. Ghulam Husain Khan, scandalised less by the transfer than by the manner of it, wrote — in the rendering Marshman gives — that "a business of so much importance, which, at other times, would have required the sending of wise ministers and able envoys, was done and finished in less time than would have been taken up in the sale of a jackass."

He was not making a joke about the emperor's dignity. He was making a constitutional observation, and it is the correct one. The transaction had no ceremony because it had no negotiation: the emperor was in the Company's camp, the districts he was being given had been taken by the Company from a third party, and the tribute he was being promised would be paid out of revenue the Company was about to collect. What was being transacted was an *office* — the revenue half of a provincial government whose other half, the *nizamat*, remained where it had been — and an office does not need a coronation. It needs a patent. The whole thing took an afternoon because that is how long it takes to hand over a patent.

Four days later, on 16 August, the accompanying treaty with the Nawab Vizier of Awadh was signed at Allahabad, and its preamble contains the fiction of this entire order in a single clause. Clive and Brigadier-General John Carnac, it recites, are invested with full and ample powers to negotiate

"on the behalf of his Excellency the Nabob Najim al Dowlah, Subahdar of Bengal, Bahar, and Orissa, and likewise on behalf of the united Company of Merchants of England trading to the East Indies."

Two principals, one set of plenipotentiaries, and the first principal is the prince the second principal has installed and pays. The Nawab of Bengal is a party to the treaty and is represented at it by the corporation that beat his predecessor, put him on the throne, and had just relieved him of the revenue administration of his own province. Article one establishes "a perpetual and universal peace, sincere friendship, and firm union." Article three requires the surrender of Sumroo. And article eight provides that the English Company shall carry on trade, duty free, throughout the whole of Awadh — which is to say that eighteen months after fighting a war because a ruler of Bengal had proposed to end the exemption, the Company wrote the same exemption into the peace and exported it into the next province.

Two dates circulate for the settlement, and both are correct for different documents: the diwani farman is dated 12 August, the treaty with Awadh 16 August. Where a

single date is given for "the Treaty of Allahabad" it is usually one or the other and rarely says which.

One last thing belongs here because it dates the field of vision of the men who did all this. In April 1764, on the eve of leaving England to take up the government, Clive assured the Court of Directors that "nothing but extreme necessity ought to induce us to extend our ideas of territorial acquisitions beyond the three districts ceded by Meer Cassim." Sixteen months later he was writing home to congratulate them on the acquisition of three provinces — and, undeterred, fixing the limits again, declaring it his resolution always to confine the Company's possessions to these provinces and calling anything further "a scheme so extravagantly ambitious that no government in its senses would ever dream of it."

The Directors' reply approving the acquisition names, without apparently noticing it, the reason the acquisition happened:

> *"When we consider that the barrier of the country government was entirely broken down, and every Englishman throughout the country armed with an authority that owned no superior, and exercising his power to the oppression of the helpless natives, who knew not whom to obey; at such a crisis, we cannot hesitate to approve your obtaining the Dewanny for the Company."*

The Company took the revenue administration of three provinces on the stated ground that its own servants had become ungovernable, and that the government of the country had been broken down by them.

Reading the founding against the framework

Two refinements, both of which build on ground the landscape established rather than announcing anything fresh.

First, and this is the module's real contribution: a default of the kind the Mughal empire built does not defend the incumbent. It defends the office of issuer, and it transfers intact to whoever can credibly issue next.

The corpus already holds that an elite bound by a status good only the apex can grant — revocable, non-heritable, worthless outside the arrangement, and positional — will not fragment when the apex is contested, because every member benefits from being high in the register and none benefits from the register being destroyed. That finding was drawn from a four-year war of succession that left the institutional structure entirely unchanged and merely selected a new man to hold the pen. This case shows the same mechanism operating when the new holder of the pen is a foreign corporation, and shows that it works just as well.

The consequence is uncomfortable and it should be stated plainly. **The stronger and better-designed such a default is, the cheaper the province is to take**, because every man in the coordinating class has already been formed to understand that his position comes from whoever is issuing and that there will be an issuer either way. Bengal in 1757 did not fall because its elite was corrupt or its soldiers poor; it fell because its elite had been trained for two centuries in exactly the habit of mind that made a change of issuer thinkable, and because three of its four field commands could be offered better terms by a bidder who had turned up with money.

The research instruction that follows is worth carrying to the next case. Where a conqueror meets an order whose coordinating class holds revocable, apex-issued, comparative rank, expect the founding act to be a **transaction** rather than a battle; expect its price to be set by the internal rivalries of that class rather than by its military capacity; and expect the surviving record to under-report the founding badly, because a transaction leaves a treaty and a receipt where a conquest leaves a casualty list. The corollary for this study is that the Company's floor and the Company's settlement are not two subjects but one, and the module that follows will have to treat them as such.

Second: where a society already contains a deep market in military labour, a conqueror imports a payroll rather than an army — and the floor he gets is reliable on terms rather than by formation.

The corpus's Caribbean case found the co-optation of the hunted into the hunt: a coercive apparatus assembled out of the very population it was built to hold down, under duress and at close quarters. Bengal presents what looks superficially like the same thing at vastly greater scale and is in fact a different mechanism. Nobody was hunted into this. The men who took Bengal for the East India Company were professional soldiers from Bihar and Awadh who enlisted, drew pay, elected in some cases to sit on the courts-martial of their own comrades, and could be recruited in the tens of thousands because a Mughal fiscal system had spent two hundred years manufacturing exactly that labour market and then ceased to be able to pay it.

Two consequences follow and they run opposite ways. The floor is enormously cheap, expandable at the speed of the treasury, and requires no formation of the population at all — which is why this order will be able to hold a province of twenty-odd million people for a century without ever teaching most of them anything about itself. And it is held on terms rather than by belief, which means the true cost column of the whole arrangement is not the sepoy's fear of the Company but the Company's continued capacity to pay him and to honour the conditions on which he came. The founding period tests that proposition twice inside two years and gets both answers: a battalion walks over to the enemy in 1764 over its share of the accession money and has

to be brought back and blown from guns, and in 1766 the same troops march a hundred miles in fifty-four hours to put down a mutiny of their own European officers over an allowance.

A hired floor is not less reliable than a formed one. It is reliable on different terms, and the terms are written in the pay ledger rather than in anybody's conscience. This order's founding generation understood that perfectly and priced it accordingly. The date on which it stopped understanding it is a matter for a much later module, but the mechanism was in place from the first year and a Victorian historian who lived through the consequence could see the line running from Munro's guns to 1857 without any help from hindsight he did not have.

A final note of discipline, which is really about measurement. This founding produced, on the Company's side, perhaps twenty-two dead at Plassey and something under nine hundred killed, wounded and missing at Buxar. It produced, on the other side, several thousand dead in one afternoon at Buxar, a hundred and forty-eight murdered prisoners at Patna, four deposed rulers of whom two were killed and one died in flight, and, in the same eight years, payments running to several crores of rupees out of the treasury of a province. A method that counts the first column and not the second will report this as one of the gentlest foundings in the record. **Where a conquest is transacted rather than fought, the ledger and not the casualty list is the founding document, and a study that does not read the ledger has not read the conquest.**

A note on sources. The exact quotations in this module are from public-domain texts, and their provenance needs stating carefully because two of the most important are at one remove from the original.

The treaty language is from the copy of the agreement of 16 August 1765 printed by William Bolts in *Considerations on India Affairs* (1772), Appendix No. XVII — the preamble investing Clive and Carnac with powers "on the behalf of his Excellency the Nabob Najim al Dowlah, Subahdar of Bengal, Bahar, and Orissa, and likewise on behalf of the united Company of Merchants of England trading to the East Indies"; the first article's "perpetual and universal peace, sincere friendship, and firm union"; the third article's "Sumroo the assassin of the English"; and the eighth article's grant of duty-free trade throughout Awadh. Bolts was a dismissed and deported Company servant with a grievance and his book is a polemic; the appendix is a document copy attested at Fort William on 30 September 1765 and is used here for the document rather than for the argument. The spelling and the transcription errors are as printed. **The diwani farman of 12 August 1765 is described and not quoted, because no reproduction of its wording in a public-domain text was located; if one is found,**

this module should be revised to quote it, since the exact terms of that instrument are the spine of the whole study.

The narrative quotations — the *dustuck* passage on the boys in the service and the English *nishan*; the Council's demand "as a matter of right, that the native trade should be subject to the usual duties, while their own was exempted from them"; the Patna officers' reply that they were soldiers and not executioners; the account of Munro's court-martial, the four grenadiers, the guns loaded with grape and the sixteen more blown away; the observation about the first of the series of mutinies terminating "in less than a century in the dissolution of the whole Bengal army"; the two dining-tables and the embroidery; Clive's assurance of April 1764 about territorial acquisitions and his later resolution to confine the Company's possessions; the Directors' letter approving the acquisition of the diwani; and the verdict that the effrontery of those years "makes one blush for the honour of England" — are all from John Clark Marshman's *History of India* (1867), a public-domain work. Marshman is a friendly witness with strong opinions: he is the son of a Serampore missionary, he writes to defend the enterprise, and his explanation of sepoy mutiny by an alleged racial absence of the instinct of obedience is worthless and is not reproduced as anything but his own view. His candour about English conduct in these years is nonetheless remarkable and his facts are generally corroborated where they can be checked. The line about the sale of a jackass is Marshman's rendering of Ghulam Husain Khan and **has not been collated against the Raymond translation of the *Seir Mutaqherin***; it is given as Marshman gives it, and should be checked.

Modern scholarship is paraphrased and credited: the standard accounts of the conspiracy of 1757 and the two treaties; the literature on the composition and recruitment of the Bengal establishment, its Purbiya and later high-caste Rajput and Bhumihar base in Bihar and Awadh, and the raising of the Lal Paltan in 1757; and the work on Mir Qasim's administration and the transit-duty dispute.

Contested figures are given as ranges or with their provenance stated. The Company's losses at Plassey are given as twenty-two killed and about fifty wounded on the most-cited return, against about sixty-five total casualties in other accounts; the Nawab's strength at fifty thousand is the conventional figure and Clive's own report of 26 July 1757 gives about fifteen thousand horse and thirty-five thousand foot with upwards of forty guns. The Black Hole mortality is not stated here at all, resting as it does on an interested survivor's count and having been revised sharply downward. At Buxar the allied army is put at forty thousand and sometimes more; Munro's engaged strength is given as a little over seven thousand, with a breakdown of 859 British, 5,297 sepoys and 918 Indian cavalry that appears in the secondary literature and does not

reconcile with the larger establishment totals also in circulation; Company losses are given as 289 killed, 499 wounded and 85 missing, against Fortescue's total of about 850; allied dead are put between two thousand and six thousand. The date is 22 October in most accounts and 23 October in Marshman. The number of sepoys executed by Munro is given as twenty by Marshman, twenty-four in Munro's reported statement to the Commons, and twenty-five in a letter of his of 18 September 1764; all three are recorded here rather than reconciled. The payment figures — 1.77 crore compensation, some fifty lakhs in presents in 1757, twenty lakhs in 1760 with five to Vansittart and three to Holwell, fifty-three lakhs in 1764, twenty lakhs in 1765, fifty lakhs of war indemnity and twenty-six lakhs of annual tribute in 1765 — rest on the standard accounts and on Marshman, and the aggregate of presents received by Company servants across this period was the subject of a parliamentary inquiry in 1772–73 whose totals this study has not yet verified and will need to before Module 6. Marshman's figures of twenty-five million people and four crores of annual revenue for what was transferred in August 1765 are his and are almost certainly too neat. Every load-bearing fact here is to be re-verified before it is built upon.

Drought, Inundation or Other Calamity of Seasons

Module 2 · The Settlement — who got what: an instrument that manufactured owners in order to make land priceable, abolished remission by name, and had sold a large part of the class it created within a generation

One document, two sentences

Regulation I of 1793 gives its own reason for existing. The Court of Directors of the East India Company, it recites, considered the old practice of periodically revising the land assessment to be detrimental to the prosperity of the country and had authorised the new declarations "with a view to promote the future ease and happiness of the people."

Four paragraphs further down the same proclamation, under its own marginal heading, stands this:

> *"He further expects that, without deviating from this line of conduct, they will regularly discharge the revenue in all seasons, and he accordingly notifies to them, that, in future, no claims or application for suspensions or remissions, on account of drought, inundation or other calamity of seasons, will be attended to, but that in the event of any zamindar, independent talukdar or other actual proprietor of land … failing in the punctual discharge of the public revenue which has been or may be assessed upon their lands … a sale of the whole of the lands of the defaulter, or such portion of them as may be sufficient to make good the arrear, will positively and invariably take place."*

Those two passages are eleven hundred words apart in a single instrument and they are the whole settlement. The first is what the arrangement said it was for. The second is what it did. Between them lies the transaction this module has to reconstruct: what the Company gave, what it took, who was named in the document and who was not, and why an instrument that was supposed to create a stable landed interest had put a great part of that interest under the auctioneer's hammer inside twenty years.

The method is the collection's usual one. Set the exact public words beside the exact operative words and lay out the arithmetic. The sum belongs to the reader.

Twenty-eight years of not knowing what they had bought

The settlement did not arrive for a generation after the diwani, and the delay is itself evidence.

What Clive took in August 1765 was an office, and the arrangement he built around it kept the office and its duties apart on purpose. The Company held the diwani — assessment, collection, accounts, treasury. The Nawab retained the nizamat — justice, policing, the army — and was assigned fifty-three lakhs a year to discharge it. The junction between the two was a single man: Muhammad Reza Khan, appointed both *naib diwan* and *naib nazim*, so that the same official represented the Nawab in one capacity and the Company in the other, and the machinery ran, for seven years, in Persian, through Indian officers, with almost no Englishman anywhere near a revenue register.

Read that design against the corpus's standing question about who bears the cost of governing. The Company had taken the half of a provincial government that produced money and left the half that produced obligations with somebody else, and then paid that somebody an allowance to keep discharging them. It is the cheapest arrangement in the eighteenth-century record and it lasted until the year the province stopped being able to pay for it.

The famine of 1769–70 ended it. Its scale belongs to a later module and its mortality range is bitterly contested; what matters here is administrative. The Directors, in their despatch of 28 August 1771, resolved that the Company should "stand forth as Duan" and administer directly. In April 1772 the new governor, Warren Hastings, acting on that order, sent instructions to Murshidabad and Patna for the two Indian deputy diwans to be brought under armed escort to Calcutta to face investigation.

The first act of direct administration was the arrest of the men who had been running the machine — which is a precise measure of how little the Company knew about it.

What followed was twenty years of experiment, and the experiments failed in a consistent pattern. In 1772 the revenue was farmed for five years to the highest bidder, which produced contractors who bid high, stripped what they could, and defaulted. In 1776 Hastings reverted to annual settlements by auction, with a preference for the sitting zamindars. Provincial councils were tried and were abolished in 1781 in favour of a Committee of Revenue at Calcutta. An Amini Commission was sent out to find out what the country actually produced. Philip Francis, on the Council and at war with Hastings over everything else, argued from the mid-1770s for a permanent settlement with the zamindars, and lost.

Every one of these arrangements ran aground on the same rock, and it is the rock the landscape predicted. The Company's knowledge of Bengal had been built up over a hundred and fifty years by men who dealt in cloth on a river. It had no survey, no record of rights, no register of cultivators, no reliable statement of what any estate yielded, and no cadre able to read the papers of the men who did know. It had bought a revenue machine sight unseen and then dismissed the operators. Each successive settlement was therefore an attempt to price an asset by asking people with an interest in the answer, and each produced either a demand too high to be paid or a demand too low to be worth having.

By the time Cornwallis arrived in 1786 with express instructions from the Directors to devise a lasting revenue arrangement, the Company had been in possession of the revenue of three provinces for twenty-one years without ever having established what they were worth.

The instrument

The decennial settlement was concluded under Regulations passed for Bengal on 18 September 1789, for Bihar on 25 November 1789, and for Orissa on 10 February 1790 — the dates are given in the 1793 Regulation's own first article. John Shore did the assessment work; Charles Grant contributed; and Shore and Cornwallis disagreed about the one question that mattered. Shore wanted the arrangement held to ten years, on the ground that nobody yet knew enough to fix anything for ever. Cornwallis wanted permanence, and prevailed, with the support of a majority of the English revenue collectors.

The Court of Directors approved. On 22 March 1793 the proclamation issued, and Regulation I enacted its articles with effect from that date.

Now read it, because the whole of the next century and a half is inside it and most of it is visible on the face of the document.

The authority. Article II opens with the source of the power:

> *"The Marquis Cornwallis, Knight of the Most Noble Order of the Garter, Governor General in Council, now notifies to all zamindars, independent talukdars and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, [Bihar and Orissa,] that he has been empowered by the Honourable Court of Directors for the affairs of the East India Company to declare the jama, which has been or may be assessed upon their lands under the Regulations abovementioned, fixed for ever."*

The land tenure of some thirty million people is altered in perpetuity, and the warrant recited is an authorisation from a board of twenty-four directors elected annually by the holders of five hundred pounds of stock in a London company. Nothing in the instrument mentions the Crown, Parliament, or the emperor from whom the office was taken twenty-eight years earlier. The document does not conceal this and does not appear to think it needs explaining.

The admission. Article VI is the most remarkable sentence in the settlement, and it is remarkable because it is candid:

> *"It is well known to the zamindars, independent talukdars and other actual proprietors of land, as well as to the inhabitants of Bengal, [Bihar and Orissa,] in general, that from the earliest times until the present period the public assessment upon the land has never been fixed, but that, according to established usage and custom, the rulers of these provinces have from time to time demanded an increase of assessment from the proprietors of land ..."*

The framework's discipline is to name the legal fiction as fiction. Here the instrument does the naming itself. It states, in its own text, that what it is about to do has never been done in the history of the country, that the established usage was the opposite, and that everybody knows this. A settlement that opens by conceding it is an invention is not concealing anything from the people it settles with. It is telling them plainly that the rules are being changed by a party with the power to change them.

The perpetuity, and who it binds. The same article requires that the proprietors

> *"are to consider these orders fixing the amount of the assessment as irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint to the administration of their affairs in this country."*

A trading corporation binds its own future officers, in perpetuity, in a document addressed to the governed. This is the corpus's *architect* function performed deliberately and in writing: a founder constraining his successors' discretion so that what he has built will still be standing when nobody remembers building it. It worked. The settlement outlasted the Company by ninety-two years and was not abolished until the 1950s.

The conversion. Article VIII does what the corpus has learned to look for in every founding instrument:

> *"...that they are privileged to transfer to whomsoever they may think proper, by sale, gift or otherwise, their proprietary rights in the whole or any portion of their*

> *respective estates, without applying to Government for its sanction to the transfer, and that all such transfer will be held valid."*

Before this clause, a zamindari right was heritable, divisible and in practice saleable, but it was a *position within a revenue relationship*, held at the state's pleasure and defeasible for cause. After it, the same right is a thing, alienable at will, without the state's permission, to anyone. The corpus's account of settlement instruments has a name for this operation and this is a clean instance of it: a relation between persons converted into an object that can be handed to a stranger.

And the reason for the conversion, stated as an engineering objective. This is the part usually missed. Article IX explains why the jama had to be fixed:

> *"From the limitation of the public demand upon the lands, the net income, and consequently the value (independent of increase of rent obtainable by improvements), of any landed property ... will always be ascertainable by a comparison of the amount of the fixed jama assessed upon it (which, agreeable to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred), with the whole of its produce, allowing for the charges of management."*

Fixing the demand was not primarily a concession to the zamindars and was not primarily a guarantee of revenue to the Company. It was the creation of a **denominator**. An estate cannot be priced while the state's claim on it is unknown; fix the claim and the residual is calculable; and once it is calculable the estate can be bought and sold at a figure. The settlement's own text says that this is the point. And the longest article in the whole Regulation, running to four numbered rules, is the one prescribing how the fixed jama is to be apportioned when an estate is broken into lots and sold — at public auction for arrears, under a decree of a court, or by the proprietor's own private act.

The instrument that created the Bengal landed proprietor devotes more words to the mechanics of dividing him up and selling him off than to anything else it does.

The risk. And then the clause this module is named for. In return for a fixed demand and a perpetual title, the proprietor undertakes to pay "in all seasons," and is notified that no application for suspension or remission on account of drought, inundation or other calamity of seasons will be attended to, and that on default a sale "will positively and invariably take place."

Hold that against what the Mughal fiscal system had done. That system assessed in cash on an uncertain harvest and dealt with the uncertainty by carrying it: advances to cultivators for seed and cattle, assessment adjusted for crop loss, collection timed to the

harvest and to the festivals at which people had money. The corpus's reading of the Mughal case was that this remission machinery was the cheapest legitimacy the empire ever bought — a demand that bends in a bad year is a demand people will pay in a good one.

Regulation I of 1793 abolishes remission by name and prices the abolition. That is the trade at the heart of the settlement, and it is not a trade between the Company and the zamindar alone. The Company converted a variable claim on an uncertain harvest into a fixed claim on a person. The monsoon did not stop failing. The risk simply moved.

The cultivator. He appears once, in the first declaration of Article VII:

> *"It being the duty of the ruling power to protect all classes of people and more particularly those who from their situation are most helpless, the Governor General in Council will, whenever he may deem it proper, enact such Regulations as he may think necessary for the protection and welfare of the dependent talukdars, raiyats and other cultivators of the soil; and no zamindar, independent talukdar or other actual proprietor of land shall be entitled on this account to make any objection to the discharge of the fixed assessment which they have respectively agreed to pay."*

Read that beside Article VIII. The proprietor receives, on the day of the proclamation, a heritable and alienable right of property. The cultivator receives an undertaking that the government will legislate for him whenever it deems proper. One is a right; the other is a reserved discretion. And the sentence's tail makes clear what the reservation is actually for: it is there so that a zamindar cannot plead future tenant-protection legislation as a reason for not paying.

And the disarming. The fourth declaration of Article VII resumes the allowances the zamindars had been receiving for maintaining *thanas*, police establishments, and gives the reason — the Governor General has "exonerated the proprietors of land from the charge of keeping the peace, and appointed officers on the part of Government to superintend the police of the country." The second declaration confirms that the *sair*, the internal duties collected by proprietors, had been abolished on 28 July 1790 and that no proprietor would share in them if they were ever revived.

Set the whole design out and its logic is exact. The zamindar is given title, heritability and free alienation. He is stripped of his armed retainers, his customs revenue, his police powers and his jurisdiction, and his cutcheri is placed under a Company Collector. He is made rich on paper and harmless in fact. **The settlement**

manufactures a proprietor who cannot be a rival, and it does so in the same document that makes him an owner.

The market opens, and the class it was built for goes under the hammer

The sale provision was given its own machinery — the revenue sale law of 1793, which Bengal came to call the sunset law because payment had to reach the Collector's office by sunset on the appointed day, failing which the estate went to auction.

What happened next is the module's central fact and it needs to be given with its uncertainties intact. The proportion of Bengal's estates that changed hands under the sale law in the first generation is variously stated and no figure should be treated as firm: a commonly repeated estimate is that something approaching forty-five per cent of the province's landed estates were sold between 1794 and 1807; Bengali reference literature says simply that the greater part of the zamindari lands were sold through auction and that hundreds of zamindaris were being put up every month. Whichever end of that range is right, the direction is not in doubt. The settlement designed to create a permanent landed interest was, within a decade, the largest forced-sale mechanism in the subcontinent.

Three things about those sales matter more than the total.

First, the market was gamed almost immediately, by the class it was meant to discipline. At the Burdwan auction of 1797 — the estates of one of the greatest zamindars in Bengal — the overwhelming majority of the sales, on the standard account well over ninety per cent, were fictitious: the purchasers turned out to be the Raja's own servants and agents, buying the property back on his behalf. Four years after the instrument opened a market in land, the market's largest transaction was a sham conducted by the debtor. A settlement which had been designed on the premise that a proprietor's fear of losing his estate would make him pay had run into the older and stronger premise that a proprietor with a household of dependants can bid at his own auction.

Second, the new proprietor frequently could not collect. The settlement had made an owner on paper without establishing who cultivated the land or on what terms. Underneath him were rich peasants and village headmen — the *jotedars* and *mandals* — who controlled substantial areas, commanded local labour and credit, and were often the real power in a locality. They had no reason to help a proprietor they had not chosen and every reason to see him fail, and they withheld and delayed. In

Burdwan alone there were said to be more than thirty thousand suits for rent arrears pending in 1798.

Third, the layered structure the settlement was supposed to have replaced grew straight back, with new names. A proprietor who could not collect and could not obtain remission had one remaining asset — his newly alienable title — and he sold slices of it. Sub-tenures multiplied: the *patni* in Burdwan, and beneath it *dar-patni*, and beneath that *se-patni*, each a fixed claim held by a party who bore no risk and did no cultivating. Within a generation the countryside had reassembled the nest of intermediate claims that had existed in 1765, except that every one of the new claims was legally enforceable and none of them carried an obligation to anybody below.

What the cultivator got, six years later

The reserved discretion of Article VII was eventually exercised, and it is instructive to see in whose favour.

Regulation VIII of 1793 had required zamindars to issue *pattas* — written engagements specifying a tenant's holding and rent, which would have given the cultivator a documentary right. The zamindars objected that the requirement infringed the proprietary rights the settlement had just conferred on them. The requirement was progressively dismantled: Regulation V of 1812 relaxed the ten-year limit on the term of a patta, and Regulation VIII of 1819 made the issuing of pattas a matter for the zamindar's discretion. The one provision that would have made the cultivator visible on paper was legislated out over twenty-six years, on the argument that visibility for him was an infringement of property for the man above him.

Meanwhile the coercive side of the reserved discretion was exercised promptly. Regulation VII of 1799 — Bengal called it the *haftam*, the seventh — gave the zamindar power to distrain a defaulting cultivator's crops, cattle and other property and sell them; to summon him to the zamindar's own *kachari* and hold him there in confinement until the arrears were paid; and to impose collective fines on a village if a defaulter absconded. The essential feature, and the one the modern legal literature identifies as the point, is that these powers could be exercised **without the permission of a court**. The state's judicial apparatus, which the same Cornwallis had spent years reorganising, was simply not involved.

Regulation V of 1812 restored some protection against seizure and removed the power of compelling a cultivator to attend the kachari, while leaving other openings that made eviction easier. Statutory tenant rights of any substance did not arrive until the rent legislation of 1859 and the Bengal Tenancy Act of 1885 — sixty-six and

ninety-two years after the settlement respectively, and in both cases after cultivator risings had made the question unavoidable.

Reading the settlement against the framework

Three refinements, each building on ground the earlier work established rather than announcing a fresh discovery.

First, and this is the module's principal contribution: a settlement transfers a risk as well as a right, and the risk clause is the one that determines where the order's costs land.

The corpus reads founding instruments for what they *grant* — a thing where a relation stood; a wage obligation where subsistence stood; in this case a heritable, alienable estate where a revenue office stood. That reading is correct and incomplete. In Regulation I of 1793 the grant is generous and the sentence that shapes the next century and a half is the one immediately after it: no remission for drought, inundation or other calamity of seasons, and invariable sale on default.

What that clause does is move the variance of the Bengal monsoon off the Company's books. The prior order had carried that variance itself, through advances, crop-loss assessment and remission, and had bought a great deal of quiet cheaply by doing so. The new order sold the machinery for a fixed annuity. But a risk that is transferred is not a risk that is extinguished, and the party it landed on — a proprietor with a fixed liability, no armed force, no customs income, no power to postpone, and, as it turned out, limited ability to collect — had no means of absorbing it either. So he passed it down, by the only instruments available to him: sub-tenure, distraint, and the powers the *haftam* gave him over a cultivator's cattle and person. At the bottom of that chain stands a household that cannot pass the risk anywhere, because there is nobody below it.

The instruction for the framework is a reading instruction and it should be carried to every future settlement in the collection. **Find the clause that says who bears the bad year.** Not the clause that grants title — that clause tells you who the order's clients are, which is usually obvious. The clause on remission, suspension, force majeure or calamity tells you where the order's costs will finally settle and therefore where its legitimacy will fail first, and it is almost always buried in the operative paragraphs rather than the recitals.

Second: an order that converts land into a priceable security without first measuring it does not replace the prior arrangement. It relabels it, and blinds itself.

Article IX says in terms that the purpose of fixing the demand was to make the value of an estate ascertainable. That is a market-making objective, deliberately pursued, and the market duly opened. But the settlement was concluded without a survey, without a record of rights, without a register of cultivators, and on assessments arrived at by asking interested parties — by a government which, twenty-eight years after acquiring the revenue, had never established what the land produced.

The consequences follow mechanically. A market opened in an asset that could not be independently valued, resting on a demand nobody could verify, held by proprietors with no established claim on the people who actually farmed. Estates changed hands in enormous numbers; the largest recorded auction of the period was substantially a fraud conducted by the debtor's own servants; and beneath the new legal owners a fresh growth of sub-tenures reproduced the layered structure of 1765 with new vocabulary and better legal enforcement.

This is the landscape's field-of-vision problem restated as a property of settlements. The Company's picture of Bengal had always been commercial and coastal; it acquired a revenue machine it had never looked inside; and in 1793 it wrote a permanent instrument on the basis of that ignorance, and then abolished the discretion that would have let a later administration correct it. **An instrument that makes land legible to a market can, in the same stroke, make the countryside illegible to the state** — because once the demand is fixed for ever, the state has no further reason to survey, and once it stops surveying it cannot see what is happening beneath the names on its register. Bengal's government would spend the next hundred and sixty years discovering, episodically and usually through violence, what was going on under a settlement it had made permanent before it could read.

Third: the colonial bend's prediction of extraction sorted by caste is confirmed here, but the sorting criterion is legibility rather than race or creed — and the mechanism is subcontract rather than compromise.

Nothing in Regulation I sorts by religion or by colour. The zamindars, talukdars and "other actual proprietors" it settles with are Hindu and Muslim, great and small, old families and recent purchasers. The line the instrument draws is between parties who can be entered in a register and parties who cannot. The proprietor had a name, a boundary, an assessment and a signature; he could be sued, and his estate could be sold. The cultivator had none of these, and the settlement's provision for him is a promise of future regulation at the government's discretion — a promise which, when it was kept six years later, was kept by conferring on the man above him the power to seize his cattle and confine his person without a court.

The corpus should record that as a mechanism rather than a moral observation. **Where an order settles with the layer it can see, and delegates coercion downward against the layer it cannot, what has occurred is not a compromise with the intermediary but a subcontract of the state's own violence** — and the subcontracted violence is systematically worse than the state's, for the exact reason the subcontract was attractive: it generates no record. The Company's courts kept papers. A zamindar's kachari did not, and that is why the *haftam* is the cheapest clause in the settlement and the one on which nothing can be counted.

A closing note on what this settlement was *not*, because legibility is not pardon and neither is it condemnation. Cornwallis and Shore were not cynics; the argument for permanence was a serious argument, made in good faith, from a English reading of what security of tenure had done for agricultural improvement, and it was made against real evidence that twenty years of shifting demands had wrecked the country. The instrument does not hide its own novelty and it does not pretend the cultivator does not exist. Its failure was not wickedness. It was the ordinary failure of a founder who fixes a rule for ever on the basis of information he does not have, in a country whose most important variable — whether it rains — he had just written out of the document.

A note on sources. The exact quotations from the settlement are from the text of the Bengal Permanent Settlement Regulation, 1793, as it stands in the compiled Bengal Regulations: the recital of the Court of Directors' motive "with a view to promote the future ease and happiness of the people"; the notification in Article II that Cornwallis "has been empowered by the Honourable Court of Directors for the affairs of the East India Company to declare the jama ... fixed for ever"; the admission in Article VI that "from the earliest times until the present period the public assessment upon the land has never been fixed"; the direction that the orders are to be considered "irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint"; the remission and sale clause quoted at the head of this module; the first declaration of Article VII on the protection of "dependent talukdars, raiyats and other cultivators of the soil"; the fourth declaration on the resumption of police allowances "in consequence of his having exonerated the proprietors of land from the charge of keeping the peace"; Article VIII's grant of liberty "to transfer to whomsoever they may think proper, by sale, gift or otherwise"; and Article IX's statement that the value of an estate "will always be ascertainable by a comparison of the amount of the fixed jama assessed upon it ... with the whole of its produce." The bracketed insertions of "[Bihar and Orissa]" are the compilers' and mark later amendment. **One textual caution:** the compilation used here captions the instrument "Bengal Regulation 1 of 1795" and

gives a commencement date of 1 May 1793, while the Regulation's own preamble states that it takes force and effect from 22 March 1793, the date of the proclamation; the internal date is followed here, and the discrepancy is noted rather than resolved. The dates of the three decennial settlement Regulations — 18 September 1789, 25 November 1789 and 10 February 1790 — are taken from Article I of the 1793 Regulation itself.

The Directors' instruction to "stand forth as Duan" is from their despatch of 28 August 1771 and is quoted as it appears in the recent scholarly literature; the underlying despatch has not been consulted in the original, and the phrase circulates in several spellings.

Modern scholarship is paraphrased and credited: the Bengali reference literature on the revenue sale law, the *haftam* of 1799 and the *panjam* of 1812, and on the progressive dismantling of the patta requirement between 1793 and 1819; Anand Swamy on the legal position that Regulation VII of 1799 conferred coercive power exercisable without a court's permission, and on the partial restoration of tenant protection in 1812; the standard accounts of the Shore–Cornwallis disagreement over the term of the settlement and of Charles Grant's role; the accounts of Hastings's revenue experiments of 1772–1781 and of the Amini Commission; and the well-established material on the Burdwan auction of 1797, the pending rent suits of 1798, the *jotedars* and the growth of *patni* and sub-*patni* tenures, which reaches this study through the standard Indian secondary literature deriving from the work of Ratnalekha Ray and Sirajul Islam.

Contested figures are given as ranges or with provenance stated. **The proportion of Bengal estates sold under the sale law is the weakest number in this module.** The commonly cited estimate of something approaching forty-five per cent between 1794 and 1807 comes to this study at second hand and has not been traced to a primary revenue return; the Bengali reference literature asserts only that the greater part of the zamindari lands were sold and that hundreds of estates were being auctioned monthly. Both are recorded, neither is adopted, and the figure should be verified against the revenue records or the Fifth Report before any argument is built on the precise proportion. The claim that over ninety per cent of the 1797 Burdwan sales were fictitious is the standard account and rests on the same secondary chain. The conventional statement that the zamindar retained about a tenth or an eleventh of the collection and remitted the rest is repeated widely and is an approximation of a figure that varied by estate. The figure of thirty million people under Company administration in Bengal after 1765 is John Richards's estimate, and the population of the settled provinces in 1793 is not known with any precision.

The mortality of the 1769–70 famine, which appears here only as the administrative cause of the reform of 1772, is left to a later module; the range in the literature runs from one to ten million and the standard citation of about ten million, or one-third of the population, rests on a demographic reconstruction rather than a count.

MODULE 3

A More Winning Deportment

Module 3 · The Robe — a justification manufactured under scandal, addressed to a Parliament that could revoke the charter, drafted largely by the order's own critics, and offered to the governed almost not at all

The audience that stopped

Buried in a footnote of the 1789 English translation of Ghulam Husain Khan's history, appended to a passing mention of a Mughal prince giving a public audience, is the most exact measurement of this order's robe that the whole archive contains. The translator explains the institution to European readers:

> *"These Public Audience are called Bar-am. The Emperor appears there at a window, raised about three feet from the ground, whereon stand his Ministers and Generals in two rows, through which the meanest petitioner can go up to the Emperor. The Emperors of Hindostan used to give two such Audiences to their subjects in the week, and each was of two full hours ; and this practice was imitated by all his Viceroys, and Governors, down to Mir-cassim-khan."*

Read the terminal date. Mir Qasim was the last Nawab of Bengal to govern rather than to draw an allowance; he was deposed in 1763. The footnote is not making an argument. It is a translator's aside for readers who would not know what a *bar-am* was — and in the course of explaining it he records, without comment, that the practice of standing at a window twice a week for two hours while any subject in the province walked up between two rows of officers and spoke, ended when the Company took the government.

Nothing replaced it. That is the finding this module has to explain, because the Company was not silent in these years. It produced an enormous volume of self-justification: statutes, charters, despatches, parliamentary speeches, minutes of council, a college with a curriculum, an official history. The robe was voluminous. It was simply pointed somewhere else.

Whom a robe is for

The collection's account of the robe is that an order tells a story about why it should be obeyed, and that the story is aimed at the people whose belief the order requires. In

an ordinary conquest that is the ruled — whose acquiescence saves the cost of standing a garrison — and the intermediary class, whose active cooperation is the cheapest thing an order can buy.

Neither applied here, and the two earlier modules explain why. The floor was hired out of a military labour market on regular pay, so the population's opinion of the Company did not need to be favourable, only inert. The intermediaries were bound not by belief but by an instrument: a fixed demand, a heritable title, and a sale clause. Nobody in Bengal had to be persuaded of anything.

But somebody could still end the arrangement. In 1709 the Company's monopoly had been pledged against a national debt of £3,200,000, terminable by Parliament on repayment plus three years' notice. That clause is the reason this module exists. **The party with the power of revocation was the licensor, and the robe went where the revocation power was.**

That is the proposition the module tests, and the test is the chronology: if the robe follows the revocation power, then justification should appear not when Bengal becomes restive but when Westminster does.

It does.

The scandal that required a story

For the first seven years the Company had no public case to make and did not attempt one. Then, in 1772, it went nearly bankrupt.

The mechanism was internal. Company servants in Bengal, having accumulated fortunes they wished to remit home, drew bills of exchange on the Company in London far beyond the limits the Directors had set, and by the summer of 1771 the paper was arriving at India House in quantities nobody had authorised. The Bengal treasury was simultaneously short, because the territorial revenues were not producing what had been forecast and the civil and military charges were climbing. In 1772 the Company applied to the government for a loan of £1.4 million. A corporation that had acquired the revenue of three provinces seven years earlier was asking the state for money.

That request opened the books. Parliament appointed Select and Secret Committees; General Burgoyne's committee took evidence; the reports set out bribery, extortion, private trade and the making of fortunes on a scale the metropolitan public had not previously imagined. In 1773 the Regulating Act imposed a Governor-General and a supervisory structure. In 1784 Pitt's India Act imposed a Board of Control. In 1788 the impeachment of Warren Hastings began, and ran, on and off, for seven years.

The order acquired a robe because it acquired an audience, and the audience was a House of Commons. Note what the audience was reacting to: not the conquest, and not the famine, but the money coming home. Burke, in the speech on Fox's East India Bill of 1 December 1783, put the objection in terms that are worth having exactly, because they are simultaneously the most savage indictment of the Company written in the eighteenth century and a statement of what a robe would have to look like:

> *"Animated with all the avarice of age, and all the impetuosity of youth, they roll in one after another; wave after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every rupee of profit made by an Englishman is lost for ever to India. ... England has erected no churches, no hospitals, no palaces, no schools; England has built no bridges, made no high roads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him."*

And the sentence that has been quoted ever since:

> *"Were we to be driven out of India this day, nothing would remain, to tell that it had been possessed, during the inglorious period of our dominion, by any thing better than the ouran-outang or the tiger."*

Burke's diagnosis of *why* is the part the framework needs, because it is a structural claim rather than a moral one:

> *"Young men (boys almost) govern there, without society and without sympathy with the natives. They have no more social habits with the people than if they still resided in England — nor, indeed, any species of intercourse, but that which is necessary to making a sudden fortune, with a view to a remote settlement."*

And:

> *"The consequences of their conduct, which in good minds, (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds."*

That last is the seam named by a man standing on the metropolitan side of it. The distance which the founding minute of 1599 had identified as the reason a corporation

was necessary is here identified as the reason the corporation could not be governed: consequences travelled slower than the men who caused them.

The robe drafted by the prosecution

Now the peculiarity of this case, which the collection has not met before.

The Company's public justification was, to a striking extent, written by the people trying to constrain it, and enacted over its objection. The consequence is that the order spent a century wearing a garment cut by its critics.

1784. Pitt's India Act inserted into the statute book the following words, as the ground for prohibiting not merely aggressive war but treaties of guarantee with Indian princes:

> *"Whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and the policy of this nation ..."*

That is a British statute, nineteen years after the diwani, declaring conquest in India repugnant to the honour of the nation. It was passed fourteen years before Wellesley arrived and began the largest programme of territorial acquisition in the Company's history. The clause was, as the standard accounts say, honoured more in the breach; but it was on the statute book, and a clause on the statute book is a measuring instrument.

1813. The renewal of the charter carried two provisions the Company had resisted. The first opened India to missionaries, at the insistence of an evangelical lobby the Company had spent decades keeping out on the entirely practical ground that proselytising would make Bengal harder to govern. The second directed that a sum of not less than a lakh of rupees a year be set apart for the revival and improvement of literature, the encouragement of the learned natives of India, and the introduction and promotion of a knowledge of the sciences. The same Act asserted the Crown's undoubted sovereignty over the territories — which is to say that Parliament, in the document renewing the corporation's licence, declared that the corporation's dominions were not its own.

1833. The Charter Act ended the Company's commercial functions entirely, leaving it as an administrative body, and enacted section 87:

> *"That no native of the said territories, nor any natural born subject of His Majesty's, resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company."*

Each of these was a concession extracted rather than a claim advanced. And each became a standard. **A promise you did not want to make is more dangerous than one you did**, for a reason worth stating plainly: a promise an order authors, it also drafts, and it drafts the ambiguity it will later need. A promise imposed on it arrives with the ambiguity already resolved against it, by people who wrote it precisely in order to bind. Section 87 has no qualifying clause. Whether it was kept is the business of a later module; what matters here is that from 1833 the order carried, in its own founding statute, a sentence that could be read aloud against it by anybody who could read English.

The robe for the men who wore it

There remained one audience the Company genuinely had to persuade: its own servants. A young man sent to govern a district in Bihar could not be left with Burke's account of himself, and the Company set about supplying an alternative.

In 1806 it founded its own college in England to train writers before they sailed. And in 1817 James Mill published *The History of British India* in three volumes, which became the standard work and the college's set text, and on the strength of which Mill obtained a post at India House and rose to be Examiner of Correspondence — the officer through whom the Company's despatches to India passed.

The relevant fact about Mill is one he did not conceal. He had never been to India. He read no Indian language. And he took the view — the argument is in his preface, and is paraphrased here rather than quoted, the wording not having been verified against the original — that this was not a disqualification but an advantage, since a judicious inquirer working at a distance from the whole body of evidence could form a juster estimate than a witness whose impressions were partial and whose interests were engaged.

The collection has met this shape before, in the observation that an official history of a conquest is frequently composed at a desk by a servant of the conquering power who has decided in advance what the evidence is to establish. Here the desk was in Leadenhall Street, the servant became the man who drafted the correspondence, and the conclusion he had decided upon in advance was that Indian civilisation was rude, that its institutions were bad, and that the remedy was good government administered from outside. The generation of officials that governed Bengal from the 1820s to the 1850s learned what India was from a book written by a man who never saw it, and then went and administered the place.

What was offered to Bengal

Against all of that, set what the order actually put in front of the governed.

The financial answer is the lakh of rupees a year directed by the Act of 1813. Measured against a population of tens of millions and against a territorial revenue running to crores, the figure is not small so much as it is beside the point: it is not an attempt to form a population. And the argument about how to spend it, which ran for twenty years between the Orientalists — who wanted the money spent on Sanskrit and Arabic learning — and the Anglicists, was settled in 1835 by Macaulay's Minute and the resulting English Education Act.

The Minute's famous demolitions of Indian learning are less revealing than its statement of purpose, which describes with complete clarity what kind of formation was intended:

> *"a class of persons Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect."*

That is not a robe for a population. It is a specification for an interpreter class, and the Minute says so: this class is to be the medium between the government and the millions it governs. The framework's colonial bend predicts formation withheld from the majority, on the ground that forming them would mean admitting them, and Bengal confirms it exactly — not by refusing education, but by defining the educated stratum as an instrument of transmission rather than as a body of subjects being brought into the order's story.

Which brings us back to the *bar-am*. The Mughal arrangement had no schools for the mass either. What it had was a channel — a window three feet from the ground, twice a week, two hours, through which the meanest petitioner could physically walk up to the ruler between two rows of his ministers. It was a piece of theatre, and no doubt most petitioners got nothing. But it was a standing public assertion that the ruler owed the ruled a hearing, and its cost to the state was four hours of a man's week. The Company, in a century of government, built nothing that did that job, and the reason is the one this module began with: it did not need to.

The witness who told them so

The best account of the robe's absence is by a man who had every reason to flatter the order and did not.

The translator of Ghulam Husain Khan's history — M. Raymond, a French creole who had taken the name Haji Mustapha and published under the pseudonym Nota

Manus — lived in the centre of Murshidabad, wore Hindustani dress, and made a practice of walking the streets in the evening with a single servant, listening in the markets. He was, by his own account, wholly dependent on English patronage and grateful for it; he dedicated the translation to Warren Hastings; he restricted the charitable proceeds of the work to British insolvent debtors on the explicit ground that in thirty years in India he had helped an infinity of Indians and met with nothing but indifference. He was not an enemy.

His preface, dated Calcutta, 2 November 1786, contains this:

> *"The general turn of the English individuals in India, seems to be a thorough contempt for the Indians (as a national body). It is taken to be no better than a dead stock, that may be worked upon without much consideration, and at pleasure : But beware ! that national body is only motionless, but neither insensible, nor dead."*

And, on the author he was translating:

> *"There runs throughout our author's narrative, a subterraneous vein of national resentment, which emits vapours now and then, and which his occasional encomiums of the English, can neither conceal nor even palliate ; and yet he is himself but a voice that has spoken among a million of others that could speak, but are silent."*

He then explains, in a note on Persian court etiquette, why the English produced no robe in Bengal — and the explanation is a matter of not needing one:

> *"The English always supported by a number of brass speakers, and sure of being heard with attention, if not with applause, do not mind such niceties ; and they content themselves with translating an English thought on so many Hindostany words."*

A man secure of being heard does not learn the manner of asking. And Ghulam Husain's own prescription, which the translator reports rather than quotes, is the phrase this module takes its title from: what the country required of its conquerors, and did not get, was a more winning deportment and a more caressing hand than seemed to be the genius and turn of mind of their conquerors.

Set beside the impeachment proceedings then running in Westminster Hall, that is a precise map of where the robe was and was not. In London, seven years of oratory about the honour of England. In Murshidabad, no audience, no language, and a translated English thought.

Where the garment did take — and on whose terms

It would be false to the evidence to say the robe took nowhere, and the exception is the most consequential thing in this module.

On 11 December 1823 Rammohun Roy — a Bengali of a Brahmin family, a formidable Sanskrit scholar, a student of Persian and Arabic who had also learned Hebrew and Greek — wrote to Lord Amherst objecting to the government's decision to spend the education fund on a Sanskrit college. The letter argues that the Sanskrit system of education would be the best calculated to keep the country in darkness, if such had been the policy of the British legislature; and that since the improvement of the native population was the object of the government, it should instead promote a more liberal and enlightened system of instruction, embracing mathematics, natural philosophy, chemistry and anatomy, with other useful sciences — to be accomplished with the sums already proposed, by employing a few gentlemen of talents and learning educated in Europe and providing a college furnished with the necessary books, instruments and apparatus.

Read what is happening in that letter, because it is not what either party in the Orientalist–Anglicist quarrel thought was happening. A Bengali is telling the Governor-General what the Governor-General's own stated purpose requires him to do, and holding him to it. He is not adopting the Company's story; he is using the Company's stated premises — improvement, useful knowledge, the government's own declared object — as leverage. Twelve years before Macaulay proposed to manufacture a class of interpreters, a member of that class had already appeared, unmanufactured, and was writing to the government in better English than most of its servants could produce.

This is the *architect and inheritor* dynamic beginning, and it is beginning in the wrong direction for the order. A story put into circulation is not controlled by whoever put it there. The Company issued a justification aimed at Parliament — improvement, trusteeship, good government, useful knowledge — and a stratum in Calcutta read it, believed the parts worth believing, and began quoting them back.

Macaulay understood this perfectly, and said so on 10 July 1833, in the Commons, speaking for the renewal of the charter:

> *"It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government, that, having become instructed in European knowledge, they may, in some future age, demand European institutions.*

Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history."

It is the most generous sentence any servant of this order ever spoke about it, and it was spoken in the House of Commons, in a debate about a charter, to persuade British legislators to renew a corporation's licence. Even the robe's finest moment is addressed to the licensor.

Reading the robe against the framework

Three refinements, building on what the landscape and the two preceding modules established.

First — and this is the module's principal contribution — the robe is addressed to whoever holds the power of revocation, and "cut for the metropole" is a symptom of that rule rather than a rule in itself.

The collection's colonial bend predicts a reversed robe: a story aimed at the metropolitan public whose belief funds and mans the conquest, rather than at the conquered whose belief the floor does not need. Bengal confirms the prediction and, in confirming it, supplies the mechanism, which is more useful than the prediction.

The Company did not aim its justification at Britain because Britain was paying — for most of this period Britain was not paying; Bengal was. It aimed its justification at Parliament because Parliament could take the charter away, and had reserved the right to do so in an instrument executed in 1709 with a stated price and a stated notice period. The robe followed the revocation power, and the chronology proves it: nothing that can be called a public justification of the Bengal government exists before 1772, and after 1772 it is continuous, because 1772 is when the Company had to ask Westminster for money and Westminster opened the books.

So the question to ask of any order is not "who funds this?" but **"who can end this, and by what procedure?"** — and the robe will be found pointing at them. The corollary is the uncomfortable half. Where the ruled have no procedure by which to end the arrangement, no robe will be offered to them, and the order will consequently never find out what they think. The *bar-am* was not primarily a channel for petitions to travel up; it was a channel for information to travel up, and an order that closes it has blinded itself in the name of economy.

Second: a robe drafted by an order's critics becomes a standard the order cannot disown.

This is a shape the collection has not previously had to name, and it arises from the licensing structure. Because the Company's justification was largely enacted *at* it — the

repugnance of conquest in 1784, the education fund and the assertion of Crown sovereignty in 1813, the non-discrimination clause in 1833 — the order ended up carrying commitments it had not chosen, in language it had not drafted, in statutes it could not repeal.

An order that authors its own robe also authors its escape clauses. An order handed a robe by its prosecutors gets no escape clauses, because the people drafting were trying to bind it. Section 87 of the Act of 1833 contains no proviso. That is not an accident and it is not generosity; it is what a clause looks like when the person writing it does not trust the person who will have to obey it.

The research instruction: where an order's public commitments were imposed by an external constraining power rather than composed by the order itself, expect those commitments to be unusually rigid, unusually quotable, and unusually dangerous to the order — and expect them to be picked up and used, first by the constraining power, and then by the governed, in that order.

Third, and offered as an open question rather than a finding: an order that specifies a formed class as an instrument of transmission has created something it does not control.

Macaulay's Minute defines the educated stratum functionally, as a medium between government and millions. Rammohun Roy's letter of 1823 demonstrates that the stratum existed before the specification, arrived at its own reasons for wanting English learning, and was already using the government's stated purposes as leverage against the government. Section 87 then supplied, in statute, a promise of admission with no qualifying clause.

Whether that combination — a formed class, a stated promise, and a closed door — is the mechanism by which this order eventually loses its legitimacy is not a question this module can settle, and it must not be settled by assertion here. The module on plurality and foreclosure will have to establish what actually happened to section 87 in practice, how many such offices were in fact held, and whether the class Macaulay described made the demand he predicted. What can be recorded now is that the promise was made, in a statute, in 1833, by a Parliament that was in the act of renewing a corporation's licence — and that the man who defended it in debate said in terms that he expected it one day to be redeemed against the order that made it, and that he would not lift a finger to prevent it.

A last note of discipline. Nothing in this module establishes that the men who made these declarations were insincere, and the evidence rather suggests the opposite. Burke meant it. Wilberforce and the evangelical lobby meant it. Macaulay, on the evidence of the 1833 speech, meant it in a way that cost him nothing but that he did not have to

say. Legibility is not pardon, and it is not accusation either: the finding here is not that the robe was a lie but that it was addressed to the wrong people for a reason that was structural rather than moral, and that a story told to one's licensor about a country one is not talking to is a story that cannot do the work a robe is supposed to do. It kept the charter. It did not buy an hour of anybody's quiet in Bengal, because nothing in Bengal was for sale on those terms; the quiet there had been bought, in Module 1, with a payroll.

A note on sources. The exact quotations from the Bengali side are from the public-domain Raymond translation of Ghulam Husain Khan's *Seir Mutaqherin* (Calcutta, 1789; the 1902 Calcutta reprint has been used): the footnote describing the *Bar-am* audience and dating its imitation by viceroys and governors "down to Mir-cassim-khan"; the translator's warning that the Indian national body "is only motionless, but neither insensible, nor dead"; the "subterraneous vein of national resentment" and the "million of others that could speak, but are silent"; and the note on "brass speakers." The scanned text is imperfect and a few words in these passages are damaged in the OCR; they have been restored to the evident reading and no word has been supplied that the surrounding text does not determine. **The phrase from which this module takes its title — a more winning deportment and a more caressing hand — appears in the translator's preface as his report of the author's view rather than as a quotation from the author, and it is treated here as the translator's wording, not Ghulam Husain Khan's.** The translator's own position should be kept in view: he was a French convert to Islam living on English patronage, he dedicated the work to Warren Hastings, and the preliminary matter states plainly that the translation was hurried to England to assist Hastings during his prosecution by clearing his character on specified points. The principal Indian account of the conquest reached English readers as a defence exhibit in a London political trial, and that fact belongs to this module's argument rather than to its apparatus.

The Burke quotations are from the printed text of his speech of 1 December 1783 on Mr Fox's East India Bill, which is in the public domain; the "ouran-outang" spelling is that of the eighteenth-century printing and the word is variously modernised in later editions. The clause from Pitt's India Act of 1784 is quoted in the form in which it is consistently reproduced in the secondary literature; **the statute's own text has not been consulted directly and the wording should be verified against the Act before it is relied on further.** Section 87 of the Government of India Act 1833 is quoted from the compiled statute. Macaulay's speech of 10 July 1833 and his Minute on Indian Education of 1835 are public-domain texts; the "proudest day" passage and the

"Indian in blood and colour" specification are both widely reproduced, and the 1833 passage in particular circulates in slightly varying punctuation.

Rammohun Roy's letter to Lord Amherst of 11 December 1823 is paraphrased here rather than quoted at length, and the one phrase given in his words — that the Sanskrit system of education would be the best calculated to keep the country in darkness — is reproduced as it appears in the standard collections; the letter is in Sophia Dobson Collet's *Life and Letters of Raja Rammohun Roy* (1914).

Modern scholarship is paraphrased and credited: H. V. Bowen on the bills of exchange, the crisis of 1771–72 and the parliamentary committees; the standard accounts of the Regulating Act, Pitt's Act and the successive Charter Acts; and the literature on the East India College, on James Mill's *History of British India* and its role at Haileybury, and on the Orientalist–Anglicist controversy. **Mill's argument that never having visited India was an advantage to the historian is given here as a paraphrase and has not been verified against the preface to the *History*; it should be checked and quoted, or dropped.**

Contested figures are given as ranges or with provenance stated. The loan the Company sought in 1772 is given as £1.4 million on the standard accounts. The 1813 education provision is stated as a lakh of rupees a year, which is the statutory form; sterling equivalents in circulation vary with the exchange rate assumed. No figure is offered here for the size of the English-educated stratum in Bengal at any date, because the module does not need one and the estimates in circulation are not comparable with each other; the module on plurality will require such figures and should establish them from the education returns rather than from the secondary literature.

MODULE 4

The Guru Mahashay

Module 4 · Formation — an order that built one excellent college and pointed it at its own officials, paid to keep the incumbent formation of the governed running, and discovered in January 1857 that it had no standing inside the framework it had been subsidising

What has to be got right first

Formation, in this collection, is not schooling and is not propaganda, and reading it as either produces nonsense.

It is the installation in a person, early, before the filters that would screen it have matured, of the framework through which everything afterwards is interpreted: who counts as an authority and therefore may be believed without checking; who one's people are and what it would cost to be expelled from them; what is sacred and therefore not available for trade; and what the story is — the cast of the world, the founding sacrifice, what the order is for. It works because no human being can verify more than a sliver of what he knows and must take the rest on trust from marked sources, and because the marks are learned before one is in any position to assess them.

From which follows the fact this module exists to trace, and which the framework states in one line: **there is no unformed person.** To be unformed would be to be feral — to arrive at adulthood without a framework, which is not a thing that happens to anybody. A framework can be revised; people leave the church and the party and the family creed and build a life on other foundations, and the contents of what human beings trust are among the most changeable things about us. What cannot be exited is the dependence itself. Every escape from one formation is completed by entry into another.

So when a conquering order declines to form the population it governs — and the colonial bend predicts it will decline, because to form them as members would be to admit them as members — it has not created a vacancy. It has made a decision about who does the forming, and the answer is: whoever was doing it before. The prior framework holds the field. The population gets formed anyway, by the institutions already in place, and the conqueror will later meet the results of a formation he did not run, could not see, and has no standing to correct.

That is the shape this module tests against Bengal, and Bengal turns out to be a harder case than the simple version, for a reason worth stating at the front. **The**

Company did not merely withhold formation. It paid to keep the incumbent formation running, deliberately, for good administrative reasons, for ninety-two years — and it built, in the same period, one genuinely excellent formation system, which it pointed entirely at itself.

The arithmetic of what was offered

Take the Company's own effort first, because it can be stated quickly.

The Charter Act of 1813 directed that not less than a lakh of rupees a year be set apart for the revival and improvement of literature, the encouragement of the learned natives of India, and the introduction and promotion of a knowledge of the sciences. The sum was not in fact spent for some years while the government argued about what it was for; the argument was settled in 1835 in favour of English and European learning. The first serious commitment to anything resembling mass instruction was Wood's Despatch of 1854 — which proposed a graded system from vernacular primary schools upward, and arrived three years before the rebellion and four before the Company ceased to exist.

Against a territorial revenue reckoned in crores and a population reckoned in tens of millions, a lakh a year is not a small effort at forming a people. It is not an effort at forming a people at all. The prediction holds without argument, and the interesting question is the one behind it: if the Company was not forming Bengalis, who was?

Who was: the survey

The answer exists in unusual detail, because a Scottish former missionary named William Adam wrote to Lord William Bentinck on 2 January 1835 proposing an inquiry into indigenous education, was commissioned to conduct it, and submitted three reports in 1835, 1836 and 1838.

Adam's central object is the institution his editor names in the introduction to the collected reports: the village or hedge schoolmaster, called a *guru mahashay*, who stands in the enumeration of village functionaries alongside the chief, the accountant, the priest, the smith, the carpenter, the potter, the barber, the washerman, the poet and the doctor — last in the list and, the editor adds, not least. Around him ran an entire ecology the government had had nothing to do with: the vernacular *pathshala* teaching accounts, letter-writing and enough arithmetic to keep a zamindar's books; the *tol* or *chatuspathi* teaching Sanskrit grammar, logic and law; the *maktab* and *madrasa* teaching Persian, Arabic and the Quran; and, cutting across all of them, the category

Adam treated separately and which matters most for this module — domestic education, conducted in the household, by relatives, with no institution and no fee.

The famous number attached to Adam's name needs care, and the care is itself instructive. The figure of a hundred thousand village schools is not Adam's count. It appears in his first report as a quotation: a distinguished member of the General Committee of Public Instruction had written in a minute that if one rupee a month were spent on each existing village school in the Lower Provinces the total would fall little short of twelve lakhs a year, which supposes a hundred thousand such schools in Bengal and Bihar. Adam reproduces the supposition, observes that the number of such schools is supposed to be very great, and then does his own arithmetic — reasoning, in default of better data, from Prussian school-attendance proportions applied to Indian conditions. The figure most often taken from his third report, that there was on average a village school for every four hundred persons in the districts he surveyed, is a result of that reasoning rather than of a census.

The precise number does not matter for the argument and should not be leaned on. What matters is not in dispute: an extensive, self-financing, self-reproducing network of instruction was operating across Bengal and Bihar, entirely outside the government, in the middle of the nineteenth century, and had been operating throughout the Company's tenure. Its teachers were paid five to eight rupees a month by the parents. Its pupils entered at about eight and left at about fourteen.

Two qualifications belong here and both cut against romanticising it. First, access was stratified: Adam's third report tabulates his Hindu pupils by caste, and the modern scholarship that has worked through those tables — Poromesh Acharya's among it — finds the schools substantially dominated by the upper and middling castes. Second, the editor of the collected reports, quoting Lord Metcalfe's famous line that Hindu, Pathan, Mughal, Maratha, Sikh and English are all masters in turn while the village community remains the same, immediately adds three words: *Bengal is an exception*. The Bengal village was not the self-contained republic of Victorian administrative romance, and had been substantially reorganised from above within living memory.

But neither qualification touches the point. **A stratified formation system still forms everybody.** It forms the excluded most efficiently of all, by telling them, in the plainest available way, where they stand and who stands above them; and the household channel, which Adam counted separately precisely because it was not a school, reached everyone. There was no child in Bengal in 1840 who was growing up without a framework. There was only a large number of children growing up inside a framework the government had never touched.

The part the simple version misses: the Company paid to keep it running

Here the case departs from the pattern the framework predicts, and the departure is the module's first real finding.

The Company did not stand aside from the incumbent formation out of indifference or economy alone. In several concrete ways it **funded, licensed and institutionalised** it, because its own administration could not work otherwise.

In 1781 Warren Hastings founded the Calcutta Madrasa, to train men in Islamic law. In 1791 Jonathan Duncan founded a Sanskrit college at Benares, to do the same for Hindu law. The reason in both cases was practical and is worth stating without euphemism: the Company's courts administered personal law — inheritance, marriage, adoption, endowment — according to Hindu and Muslim law, and the Company had no means of ascertaining what that law was except by employing pandits and maulvis as assessors. It therefore needed a supply of them, and it paid to produce one.

Consider what that means in the framework's own terms. A pandit sitting in a Company court as the authority on what Hindu law required was wearing a collar, and the collar had just been issued by the Company. The order did not merely leave the incumbent formation's authorities in place; it **certified them**, gave them salaries and jurisdiction, and made deference to them a matter of the conquering power's own procedure. Then Regulation I of 1793 promised, in effect, that transfers of property would be determined according to the Muhammadan or Hindu law as the religious persuasion of the parties might require — which is to say that the settlement instrument itself routed the most consequential transactions in the province through the authority of the very formation the Company was not conducting.

And in the army it went further, and paid more.

The Bengal establishment recruited, from the 1770s onward, heavily among high-caste Hindus of Awadh and Bihar, and — as the standard accounts put it — took pains to adapt its military practices to the requirements of their observances. Sepoys dined in separate facilities. The army came officially to recognise Hindu festivals. Overseas service, being polluting, was not required of them. Sepoys were not flogged, as European soldiers were. In 1855 the enlistment of lower castes was restricted.

Eric Stokes's summary of the resulting posture — that the British scrupulously avoided interference with the social structure of the village community, which remained largely intact — describes an outcome, but the mechanism is sharper than avoidance. The Company was not neutral toward the incumbent formation. It was a paying customer of it. It bought a cheap and reliable floor by underwriting a ritual

status, and by the 1840s its own soldiers held a higher and more scrupulously protected ritual standing inside the Company's army than most of them could have maintained in civil life.

The order was subsidising the framework through which its own future actions would be interpreted. Nobody involved would have described it that way, and every individual decision in the chain was sensible.

The one formation system the Company built

And then, having declined to form thirty million people, the Company built a college.

The East India College opened at Hertford Castle in 1806 and moved to purpose-built premises at Haileybury in 1809. It closed in January 1858. In roughly fifty years it put over two thousand writers through its course — the men who would run the districts, assess the revenue, and sit as judges and collectors across Bengal, Bihar and Orissa.

Its students were nominated by the Directors, arrived at fifteen to twenty, and stayed about two years. The curriculum was modelled on the liberal education at Cambridge: classics, mathematics and natural philosophy, general literature, law — Roman, English, and elements of Hindu and Muslim jurisprudence — history and political economy. Entrance required Greek, Latin and arithmetic, tightened in the 1820s to specified classical texts and Greek grammar. Oriental languages were taught: Arabic, Persian, Sanskrit, Hindustani, Bengali, Marathi, Telugu, with tutors including, from 1826 to 1844, a Persian professor from Shiraz, Mirza Muhammad Ibrahim, teaching in Hertfordshire. Salaries for tutors ran as high as £500.

Two details in that description are the whole point.

The first is that **there were no examinations in any Asian language until 1814** — eight years in which the Company's own college taught the languages of the country it governed without testing whether anyone had learned them. The languages were on the timetable. They were not on the ladder.

The second is the name of the man who held the chair of history and political economy from the college's foundation until his death in 1834: Thomas Robert Malthus. Add to that the book that became the college's set text and the standard work on the subject — James Mill's *History of British India*, written by a man who had never been to India and read no Indian language, and who took the view that this was an advantage — and the framework installed at Haileybury becomes legible. Two thousand young men, at the age at which a professional identity is formed, in a closed residential institution, under tutors of real distinction, acquired a coherent, confident,

internally consistent account of what India was, what was wrong with it, and what a good administrator should do about it. Eric Stokes traced the consequences of that account through Indian administration for the next century.

This is not a failure of formation. It is formation working exactly as the framework describes it: an authority certified by the institution, a coalition with a career and a service and a common house, a story about the enterprise absorbed young, and the whole thing installed before the recipient had ever seen the country it described.

The Company built one first-rate formation system, and pointed it at three or four hundred men a decade — the men whose defection would have ended the order. The ratio between Haileybury and a lakh of rupees a year is not a budget line. It is the order's own statement, in figures, of whose framework it thought mattered.

The third thing, and who built it

One qualification is owed to the record, because the Bengali stratum did not simply receive whatever it was given.

Hindu College opened in Calcutta in 1817, founded by leading Bengalis with the assistance of the watchmaker David Hare and with Rammohun Roy involved in its promotion. It was not a government institution. Within fifteen years it had produced, under Henry Derozio, the group known as Young Bengal — men who had gone through an English curriculum and come out holding positions their teachers had not intended and their fathers did not recognise.

The framework's own correction applies here and should be stated so the module does not overreach. Those men were not de-formed and they were not un-formed. They had exchanged one framework for another, and completed the exchange, as every such exchange is completed, by attaching their trust to a new set of authorities — European rationalism, the periodical press, one another. What the episode demonstrates is not that formation can be escaped but that **a formation offered can be taken up on the recipient's own terms and put to uses the offerer did not specify**, which is what Module 3 saw Rammohun Roy already doing in 1823.

But hold the scale. This was a few hundred men in a city, inside a province of tens of millions, in an order whose floor was recruited five hundred miles up the Ganges from people who had never heard of Derozio.

The third week of January 1857

Which brings the module to the object that proved what all of it was worth.

The Company had run this experiment before and knew the result. At Vellore in July 1806 new uniform regulations — a leather cockade on a new turban, restrictions on beards and caste marks — produced a mutiny in which around a hundred sepoys were summarily executed and several hundred killed or wounded on both sides. In 1824 a regiment ordered overseas for the Burma war was refused transport for its cooking pots and told to use communal ones; it refused to embark; eleven sepoys were executed and hundreds sentenced to hard labour. The lesson the Company drew from both was not to form the sepoy differently. It was to accommodate him more carefully — which is the decision this module has been tracing, taken explicitly, twice, with the consequences of the alternative in plain view.

Then, in 1856, the General Service Enlistment Act required new recruits to serve wherever sent, including overseas. Serving sepoys were not covered, and feared they would be. In the same year Awadh — the recruiting ground of a large part of the Bengal infantry, and the source of the standing and the pensions many of them held — was annexed.

And in the third week of January 1857, at the musketry depot at Dum Dum outside Calcutta, a low-caste *khalasi* working in the magazine asked a Brahmin sepoy for a drink of water from his *lota*. The sepoy refused: the man's touch would defile the vessel. The khalasi answered that the sepoy would soon lose his caste anyway, since the new cartridges were greased with the fat of cows and pigs. The commandant of the Rifle Instruction Depot, Captain Wright, reported the exchange, and that report is how the Company came to know that the rumour existed.

Stop on the composition of that scene, because it is the finding of this module in a single event.

Two Indians are arguing about ritual pollution, using a framework in which the terms of the argument — what defiles, whose touch, which vessel, what is recoverable and at what cost — are entirely determinate and entirely shared. The Company is not a party to the conversation. It is not present in it even as an antagonist; it enters only as the supplier of an object whose significance is being determined by rules it did not write. And the framework being used is one the Company had spent ninety-two years declining to touch, and forty years actively paying to reinforce: the separate messing, the recognised festivals, the exemption from the sea, the exemption from the lash, the restriction on low-caste enlistment, the pandit in the courtroom with a Company salary.

What the Company then did was issue denials, offer to let sepoys grease their own cartridges, and have the Governor-General publish assurances that there was no design against anybody's religion. In the narrow factual sense the denials were probably

substantially true, and it made no difference whatever. **The Company had no collar.** Inside the framework in which the question was being decided, the government was not a source whose word stood in for a verification nobody could perform; it was an interested party with a record. Its assurances had to compete with the *khalasi*'s remark, and lost — not because Indians were credulous, which they were not, but because a vigilant mind checks a claim by weighing the source, and by that entirely correct procedure the Company scored badly and the man in the magazine scored well.

The Bengal army in 1857 had ten regiments of cavalry and seventy-four of native infantry. All of the cavalry and around forty-five of the infantry regiments mutinied; a further seventeen were disarmed and disbanded on suspicion; on the usual account about twelve survived into the reorganised army. Figures for how many sepoys remained with the colours vary widely and none of the round numbers in circulation should be treated as a count.

Reading formation against the framework

Three refinements, building on what the preceding modules established.

First — and this is the module's principal contribution — withholding formation is not a neutral omission but a decision about who does the forming; and an order that additionally *subsidises* the incumbent formation to keep its floor cheap is paying to strengthen the framework through which its own future acts will be interpreted, inside which it will have no standing.

The collection already holds that a conqueror who declines to form the conquered leaves the prior formation holding the field, since there is no unformed person. Bengal confirms it and supplies a harder and more useful version, because the Company's relation to the incumbent formation was not abstention. It was patronage. It founded a madrasa and a Sanskrit college to supply its own courts. It routed personal law through pandits and maulvis it certified and paid. It exempted its soldiers from the lash and the sea, funded their separate messing, recognised their festivals, and restricted enlistment to protect their standing. Every one of those decisions was locally correct and administratively cheap, and their aggregate was an investment, sustained over decades, in the authority of a framework the order did not control.

The consequence is exact and it is the thing to carry forward. **The order that pays to keep the incumbent formation strong is buying a floor now and an interpretive apparatus later — and it will be a defendant in that apparatus, not a judge.** When the framework eventually delivers a verdict on some act of the order's — a cartridge, a cockade, a cooking pot — the order cannot appeal it, because it holds no authority inside the framework and never sought any. Its denials will be weighed by people

running their vigilance correctly, against a source they have every reason to discount. Truth is not what moves a framework; a trusted source is, and this order had spent a century declining to become one, on the reasonable ground that becoming one is expensive and it did not need the belief.

The research instruction: when reading any order that governs without forming, do not stop at the absence of schools. Look for the payments — the subsidies, salaries, certifications and exemptions by which the order underwrites the incumbent formation's authorities — and treat those payments as the measure of the liability it is accumulating.

Second: a licensed, non-settler conquest will build its formation system and point it at its own governing class, because that is the class whose defection would end it — and the price is that the order's field of vision is thereafter fixed at the moment of its officials' training.

Haileybury is not evidence that the Company could not form people. It is evidence that it could, well, and chose its subject. That choice follows directly from Module 3's finding about revocation: the party that could end this order was in London, and the class that could ruin it in London was its own service. Two thousand men, formed young, in a closed college, on classics and mathematics and Malthus's political economy and a history of India composed in England by a man who had never gone.

The cost is the one the landscape predicted and this module can now date. An order whose officials receive a complete and confident framework for a country before arriving in it does not thereafter revise that framework in the country, because the framework tells them what they are looking at. That is why the Company could survey the land revenue for decades without ever conducting the survey Module 2 found missing, why it could employ pandits for seventy years without noticing what it was certifying, and why the rumour about the grease reached Calcutta not through any channel of its own but as an incident report from a musketry depot. Eight years of teaching Asian languages without examining anybody in them is not an oversight. It is a correct expression of what the institution believed the languages were for.

Third: an order that buys quiet by underwriting a ritual status it does not itself hold has incurred a liability denominated in a currency it cannot pay.

This is the sharpest thing in the case and the collection has not previously had to name it. The Company could raise a sepoy's pay, adjust his pension, extend his leave, promote his subedar. It could not restore his caste. Purification after pollution was administered by authorities the Company did not command, at a price the Company could not set, on a question the Company could not adjudicate.

So the accommodation had a hidden structure. By making ritual standing the one benefit it conspicuously protected, the order taught its own soldiers that pollution was the strongest claim available to them — and simultaneously guaranteed that any grievance expressed in that currency would be, for the order, structurally uncompensable. A pay dispute has a settlement price; the mutinous battalion of 1764 could be, and eventually was, dealt with in rupees and grapeshot. A defilement has no settlement price that the defiling party can pay.

Where an order's cheapest concession is denominated in a good it does not produce, it has created the one category of demand it can neither meet nor refuse. That is a general proposition and it should be tested against the rest of the collection.

A closing note of discipline, because this module is easy to read as a story about British obtuseness and that reading is wrong and would make the finding useless. Every decision traced here was intelligent. Employing pandits was better than inventing a law of inheritance for people whose law one did not know. Accommodating the sepoy's observances was better than the alternative, which the Company had tried at Vellore and paid for. Forming a governing service well is better than forming it badly. And declining to form thirty million people in the image of the conqueror was not only cheaper but, on any reading, less of an assault on them than the alternative that Algeria and other cases in this collection supply. The order behaved sensibly at every step and arrived, by an accumulation of sensible steps, at a position in which the interpretation of a rifle cartridge was decided in a conversation it could not join.

A note on sources. The primary material on indigenous instruction is William Adam's *Reports on Vernacular Education in Bengal and Behar*, submitted to government in 1835, 1836 and 1838 and collected with an introduction by James Long (Calcutta, 1868), a public-domain text. The *guru mahashay* and the enumeration of village functionaries, and the quotation of Lord Metcalfe's line about masters in turn together with Long's own immediate qualification that Bengal is an exception, are from Long's introduction. **The figure of a hundred thousand village schools requires the caution given in the text and should not be cited as Adam's count:** it appears in his first report as a supposition contained in a minute by an unnamed member of the General Committee of Public Instruction, reasoning backward from a hypothetical subsidy of one rupee a month; Adam reproduces it, notes only that the number is supposed to be very great, and then reasons independently from Prussian attendance proportions. The often-quoted ratio of a village school to every four hundred persons derives from his third report and reaches this study through the secondary literature rather than from the report itself; **it should be verified against Adam's own tables**

before further use. The caste distribution of pupils is tabulated in the third report and is discussed by Poromesh Acharya, whose argument is paraphrased and credited.

The material on the East India College is drawn from the standard scholarship and reference literature: the foundation at Hertford Castle in 1806, the move to Haileybury in 1809, the closure in January 1858 following the Charter Act of 1853's move to competitive examination, the figure of over two thousand writers trained, the curriculum and entrance requirements, Malthus's tenure in the chair of history and political economy from the college's foundation until his death in 1834, and Mirza Muhammad Ibrahim's Persian professorship from 1826 to 1844, which is the subject of an article by Michael H. Fisher. **The statement that there were no examinations in any Asian language until 1814 comes from a single secondary study and has not been corroborated; it is load-bearing for this module's argument and should be checked against the college's own regulations.** Eric Stokes's *The English Utilitarians and India* (1959) is the standard account of the doctrine transmitted through the college and through India House, and is paraphrased and credited; so is Keith Tribe on political economy at the college. James Mill's view that never having visited India was an advantage to the historian is again given as a paraphrase and remains, as Module 3 flagged, unverified against his preface.

The military material — the recruitment of high-caste Purbiyas from Awadh and Bihar, the separate messing, the official recognition of Hindu festivals, the exemption from overseas service and from flogging, and the restriction on low-caste enlistment in 1855 — rests on the standard accounts. The Vellore mutiny of 10 July 1806 and the Barrackpore refusal of 1824 are given with the conventional figures, which vary. The Dum Dum exchange of the third week of January 1857 is reported on the authority of Captain Wright, commandant of the Rifle Instruction Depot, as his report is reproduced in the secondary literature; **the report itself has not been consulted and the wording given here is a paraphrase, not a quotation.** The Bengal army's establishment of ten cavalry and seventy-four native infantry regiments, and the counts of units that mutinied, were disarmed, or survived, are the conventional figures and are given as such; the round numbers in circulation for how many individual sepoys remained loyal are not reliable and none is adopted here.

Contested figures are given as ranges or with provenance stated. No number is offered for the size of the English-educated Bengali stratum at any date, for the reason given in Module 3. The teachers' pay of five to eight rupees a month and the school-going ages of roughly eight to fourteen are Adam's, as reported in the secondary literature summarising his findings.

MODULE 5

Nine Pounds a Head

Module 5 · The Cost Column — what compliance bought the cultivator, what refusal cost him, whether he could leave, and the one necessity whose sales ledger records the answer

The question, stated properly

Why does a man who gets very little from an arrangement go on complying with it?

The framework's answer is a pair of dials. The benefit dial is what compliance yields him — physical security, a livelihood he can predict, a place in something, and above all the belief, installed early, that the arrangement is right and that the people at the top of it belong there. The cost dial is what refusal yields him — the sword, and, working alongside the sword and usually before it, the community: the neighbours who will not deal with him, the caste that will not eat with him, the creditor who will call the bond.

Where belief is strong, the arrangement is cheap, because most people comply without anyone having to make them. Where belief is absent, the same compliance has to be bought with benefits or extracted with costs, and both are expensive. And cutting across both dials is a third variable the framework insists on: **exit.** A man who can walk to a better arrangement need not be persuaded and need not be beaten; he simply has to be outbid. Where exit is open, the ruler's demand is capped by what the neighbouring ruler is charging. Where it is shut, the cap comes off.

Module 4 settled one of these for Bengal. The Company installed no framework in the cultivator, deliberately, and paid to keep the incumbent one running. So on the specific question of whether the ryot believed that the Company's government was rightful and its demand just, the answer is not that he disbelieved it — it is that the question was never put to him, because nothing in his formation had anything to say about the Company at all.

Which leaves the arrangement running on the other three, and this module has to weigh them: what the cultivator actually got, what refusal actually cost him, and whether he could leave.

The population in question is not one stratum. It includes the substantial peasant with an occupancy holding, the small ryot on a few bighas, the sharecropper, the landless field servant, the weaver, the salt-boiler on the Hijli marshes, and the tribal

cultivator on the western frontier. Their ledgers are different and the module has to keep them apart.

The benefit side, taken seriously

Begin with what the arrangement genuinely delivered, because a study that cannot find the benefit has not looked.

Peace, and it was real. The landscape established what western Bengal had endured between 1741 and 1751: six Maratha invasions, the bazaar of Murshidabad burned, the silk-weavers' houses and looms destroyed at Cossimbazar, a contemporary Dutch estimate approaching four hundred thousand dead, and a defensive ditch dug round Calcutta by people who expected to need it. After 1765 that stopped. Between the settlement with the Marathas and the rebellion of 1857 no external army raided Burdwan, Birbhum or Midnapore. A cultivator planting in 1810 could expect, in a way his great-grandfather could not, that the crop would still be there in four months and that his daughters would still be in the village.

This is the largest single entry on the benefit side and it should not be discounted because the order that supplied it also did the rest of what follows. Security against raiding is the oldest thing a floor sells, and this floor sold it.

Predictability of the demand — but not to him. The instrument of 1793 fixed the state's claim in perpetuity, and that fixity was the settlement's great gift. It was a gift to the proprietor. The corresponding protection for the cultivator was the *patta* — a written engagement specifying his holding and his rent — and Module 2 traced its dismantling: required in 1793, loosened in 1812, made discretionary in 1819. The one clause that would have given the ryot a fixed demand of his own was legislated out over twenty-six years on the argument that fixing it infringed the property of the man above him.

So the benefit that the settlement's defenders point to was real and went upward. Beneath the zamindar the demand remained what it had always been: negotiable, variable, and enforceable.

Courts, and the fact that people used them. Cornwallis's judicial reorganisation created civil courts a ryot could in principle petition, and ryots did petition them in enormous numbers — Burdwan alone is reported to have had more than thirty thousand suits for rent arrears pending in 1798. That figure is usually cited as evidence of chaos. It is also evidence that a great many cultivators believed a court was worth trying. What it bought them is harder to establish: proceedings were slow, costly, conducted in a language and a form most litigants could not follow, and the man on

the other side of them was the man who could distrain their cattle without going near a court at all.

And a stratum that did well. The *jotedars* and *mandals* — rich peasants and village headmen who controlled substantial acreage, commanded local credit and labour, and were often the real power in a locality — prospered under the settlement, precisely because a paper proprietor who could not collect had to deal with whoever could. They are part of the mix and the module should not pretend otherwise. But they are the top of the peasantry, not the common man.

Set the benefit column out honestly, then, and it reads: security against raiding, genuine and substantial; predictability, granted to the layer above him and legislated away from him; recourse, formally available and practically expensive; and prosperity, for the stratum best placed to take it.

The cost side

Now what refusal cost, and here the record is thicker, because the costs were administered by parties who kept accounts.

Rent default. Regulation VII of 1799 — the *haftam* — gave the zamindar power to distrain a defaulting cultivator's crops, cattle and other property and sell them; to summon him to the zamindar's own *kachari* and confine him there until the arrears were paid; and to fine a whole village collectively if a defaulter absconded. The essential feature, as Module 2 established and as the legal literature emphasises, is that none of this required a court's permission. The state's judicial apparatus was not involved. Regulation V of 1812 removed the power of compelling attendance at the kachari and restored some protection against seizure, while leaving openings that made eviction easier.

Revenue farming, before the settlement. For the twenty-one years between the diwani and the decennial settlement, the demand in many districts was let to contractors bidding for a term, and the consequences are the clearest illustration in the case of what a subcontracted cost dial does.

Debi Singh, appointed *ijardar* of Rangpur and Dinajpur in 1780, pressed the demand to the point where the holdings of defaulting ryots were being disposed of wholesale at nominal prices. The cultivators petitioned the Company's district chief. The petition, in the rendering that has come down through the secondary literature, states the position in one sentence: *we raiyats are ruined; in our house we have nothing left; our grain, our cattle, and other effects we have sold.* Nothing came of it.

On 18 January 1783 they rose. For five weeks the rebels held the parganas of Tepa, Kazirhat and Kakina, attacked the courts, released prisoners, forbade all revenue

payment to the Company, and appointed a nawab and officers of their own — a parallel government, in a Company district, for over a month. Hindus and Muslims rose together. Company troops suppressed it. Two commissions of inquiry followed. Debi Singh escaped punishment; the zamindars did well out of the second commission's recommendations.

The Rangpur *dhing* is worth holding as a type specimen, because every element of the module is in it: a cost dial turned by a contractor rather than by the state, a petition that established the cultivators had first tried the cheap option, a rising that established what the expensive option was, and an outcome in which the party who had turned the dial was not the party who paid.

Indigo. The clearest documentation of the cost dial in this case concerns a crop, and it is documented because of a structural peculiarity worth noticing first: **Europeans could not own land in Bengal.** A planter therefore had no estate and no tenants. He had a contract — the *satta* — under which a ryot took a cash advance and committed a portion of his own holding, commonly put at a quarter, to indigo, at a procurement price that in practice kept him permanently in debt. The crop competed for the same season and the same ground as his rice.

Because the planter held no property right, he had nothing to enforce his bargain with except private force: armed retainers, the seizure of cattle, and the factory itself, which functioned as a place of confinement. The whole coercive apparatus was therefore *visible as apparatus*, instead of being folded inside a legal title where it would have left no trace. Indigo is the one place in this case where the cost column can be read directly, and it can be read because the planters had no lawful way to hide it.

The reading was eventually taken under oath. In 1859 the ryots of Nadia refused the advances; the refusal spread; planters sent armed bands; villages fought back; and in 1860 the government appointed a commission which examined over a hundred witnesses — cultivators, planters, zamindars, missionaries and officials. Ashley Eden, magistrate of Barasat, testified that not a single indigo cultivator grew the crop out of free agency, but did so from force and oppression. E. W. L. Tower, magistrate of Faridpur, gave the sentence the episode is remembered by: **"not a chest of Indigo reached England without being stained with human blood."**

Both men were servants of the Indian government describing, in 1860, a system that had operated in Bengal since the 1770s — for eighty of its eighty-three years under the Company. The testimony is post-Company and the practice is not.

The necessity, and the ledger

And now the module's centrepiece, which is a tax on salt.

The Company's relation to Bengal's salt was continuous almost from the beginning. Clive's Society of Trade took the monopoly in 1765; it was given up in 1768; Hastings brought the trade back under the Company in 1772 by auctioning the salt *mehals* to contractors; and in 1780 he reorganised the whole thing into government agencies, each under an agent and a controller, a structure that survived in outline until 1947. The *malangis* — the salt-boilers of the coastal marshes — delivered to the Company's *golahs* at a price the Company set, initially around two rupees a maund. From 1788 the Company sold to wholesalers by auction and the duty was raised to 3.25 rupees a maund, taking the wholesale price from about 1.25 rupees to about four. Private manufacture was made a criminal offence carrying imprisonment. A surveillance apparatus of native officers and informers — *goindas* — was maintained to suppress illicit production. By 1836 the smuggling had become so pervasive that the Company abandoned the high-price policy, fixed a lower price and opened the market to private imports under excise, in order to save the monopoly.

Now the arithmetic, which comes from a pamphlet by a Calcutta merchant, D. C. Aylwin, reviewed at length in a London periodical in August 1846. It is an advocacy source and should be read as one; its numbers are given here because they are the clearest statement in the period of what the tax meant to a labourer, and because the review reproduces them in a form that can be checked against itself.

The retail price of salt in the interior of Bengal, Aylwin calculated, was rarely if ever below eight rupees — sixteen shillings — per maund of eighty-two pounds. A labourer's wages ran from three rupees a month down to a rate of about one pound sixteen shillings a year, which was the rate in a large majority of districts. On those figures, taking a family at five, the reviewer arrives at the conclusion that the yearly cost of salt to a peasant's family was equivalent to **between one-eighth and one-fourth of his year's labour**.

Salt is not a discretionary purchase. Boiled rice without it is, as the same reviewer says, neither palatable nor digestible, and the requirement is physiological rather than cultural.

Then comes the number this module takes its title from. The Company's own working assumption was that average consumption would not exceed twelve pounds a head a year. In the rudest districts subject to the monopoly — where the population *increased by fifty per cent* between 1814 and 1846 — the Company's sales of salt amounted in 1814 to about eleven and three-quarter pounds per head, and fell continually, reaching **nine pounds** by 1846.

Read what that is. Over thirty-two years, in the poorest districts under the monopoly, while the number of people rose by half, the quantity of a physiological necessity sold to each of them fell by about a quarter.

The caution belongs immediately, and Aylwin supplies it himself: sales are not consumption, because there was a smuggler. He puts actual consumption, with the smuggler's help, at not less than fifteen pounds a head, and argues that the Company's twelve-pound assumption is unreliable precisely because it was derived from sales at monopoly prices. But notice that the caution does not rescue the finding; it relocates it. If the recorded fall reflects substitution into an illegal supply, then what the ledger records is a population in the poorest districts progressively withdrawing from the lawful market for a necessity — which is what a cost dial set above what people will pay looks like from the revenue side. Either the poorest were eating less salt, or they were increasingly buying it from criminals. Both are readings of the same number and both are the same finding.

Could he leave?

Which brings the module to exit, and to the most useful thing in it, because in Bengal exit has a price and the price is written down.

The Mughal revenue system distinguished two kinds of cultivator. The *khudkasht* was the resident peasant of a village, with heritable rights in his land. The *paikasht* did not hold permanently in any one *mauza*; he moved, engaging for a crop season and then moving on. And the recorded difference between them is the whole point: **the paikasht was generally charged a substantially lower rate of rent than the khudkasht.**

That differential is the market price of mobility. The man who could leave paid less, because he could leave; the man who was rooted paid more, because he was rooted. Nobody designed this as a statement about exit. It is simply what a rent looks like when it is negotiated with somebody whose alternative is to walk. The corollary is equally plain and equally unintended: the resident cultivator's higher rent is the measure of what his roots cost him.

And then the distinction closed. The modern scholarship states it flatly: the difference between resident and migrant cultivator slowly disappeared during the colonial period, under increasing population pressure. Not by statute. Nobody legislated the paikasht out of existence, and the Company never passed a law binding cultivators to the soil. The land simply filled up, and when there is no vacant holding for a man to move to, his ability to move stops being worth a discount.

That is exit closing without anybody closing it, and it is the most important fact in this module.

Where did exit remain?

The frontier. Eastern Bengal was still being cleared out of forest into rice land through this whole period, and the Sundarbans and the tribal uplands to the west were still absorbing people. A man with nothing could still, at real risk, go and cut a holding out of jungle.

The ship. From the 1830s, indentured emigration opened — Mauritius first, then the Caribbean and beyond — and Bihari and eastern Bengali labourers took it in large numbers. The terms were bad; the fact that people signed them is a reading of the alternative.

The creditor's foreclosure. Against these stands the mechanism that shut exit for the individual most reliably, which is debt. A cultivator who owes the *mahajan* cannot walk, because the bond follows him and the state's courts will enforce it. This is the second subcontract and it compounds the first: the order delegates coercion to the zamindar; the zamindar's leverage is underwritten by a creditor; and the creditor's claim is enforced by the order's own courts, which is the one part of the machinery the state did operate directly.

And the last exit, which is not an exit. When compliance costs more than resistance and there is nowhere to go, people rise. The frequency of that in Company Bengal is the instrument by which the cost dial can be read from outside: the Sannyasi and Fakir disturbances running from the 1760s to the turn of the century, the Chuar risings at the end of the 1790s, Rangpur in 1783, Titu Mir in Barasat in 1831, the Faraizi movement through the 1830s and 1840s, the Santhal *hool* of 1855–56 in the western uplands — a rising whose principal named enemies were the moneylender and the local landholder as much as the government, and whose suppression is generally reckoned in the thousands to the low tens of thousands of dead, on figures which vary widely and which this study has not verified — and then, immediately after the Company's end, the indigo refusal of 1859.

That is not a quiet countryside. It is a countryside in which the arrangement was contested, locally and repeatedly, for ninety years, by people who had tried petitioning first.

The community, which cuts both ways

One correction to the simple picture, because the framework insists that the cost dial is held by the community as well as by the sword, and Bengal shows the community holding it in both directions.

Downward, in the ordinary way: caste sanction, the refusal of commensality, the withdrawal of the services a household cannot do without, the shame of a family that has defaulted. None of this is administered by the state, none of it is recorded, and all of it is far more present in a cultivator's daily calculation than any magistrate.

But the same machinery was available to be pointed the other way, and in 1859 it was. When the ryots of Nadia refused the indigo advances, the sanction that held the refusal together was social: those who continued to work for the planters were boycotted by their neighbours. The community that ordinarily supplies an order with its cheapest enforcement had been turned around and was now supplying the resistance with its cheapest enforcement, against an order that had no comparable instrument of its own.

An order that never becomes part of a population's moral community does not merely fail to benefit from that community's sanctions. It leaves them lying about, fully assembled, for anyone else to pick up.

Reading the cost column against the framework

Three refinements, building on what the preceding modules established.

First — and this is the module's principal contribution — exit is not a binary and its price is frequently recorded in the order's own rent rolls; and an order does not have to close exit, it only has to wait.

The collection has treated exit as a condition: either the cultivator can walk or he cannot. Bengal shows it as a continuous variable with a market price, and shows where to find the price. The *khudkasht–paikasht* rent differential is not a curiosity of Mughal fiscal vocabulary. It is a quoted premium for immobility, negotiated in thousands of villages by parties who understood exactly what they were pricing, and recorded because rent had to be recorded. Wherever a revenue system distinguishes resident from migrant cultivators and charges them differently, **the gap between the two rates is the value of exit, and the closing of the gap is exit closing.**

And in Bengal it closed demographically rather than legally. The Company passed no law tying cultivators to the land, and would have had no reason to; population growth did the work, at no cost and with no legislation and leaving no instrument for anybody to object to. This is worth carrying forward as a warning about method. A study that looks for exit closure in statutes will find nothing in Bengal and will conclude, wrongly, that exit stayed open. **The instruction is to look at the rent differential and the frontier, not at the law.**

Second: a subcontracted cost dial is systematically over-set, because the party turning it does not pay for what breaks.

Module 2 established that this order delegated coercion downward — to the zamindar under the *haftam*, to the revenue farmer before 1793, to the planter under the *satta*, and, behind all of them, to the creditor. Module 5 can now state the consequence.

Every one of those parties optimised over a horizon shorter than the order's. A revenue farmer held a contract for five years and then it was somebody else's district. A planter needed this season's crop. A creditor needed the bond serviced. None of them bore any part of the cost of a rising, a depopulated pargana, or a countryside that would not plant. The state, which did bear those costs, had handed the dial to people who did not — and, having handed it over, had also given up the ability to see where it was set, since the *haftam*'s central feature was that it operated without a court and therefore without a record.

An order that subcontracts its coercion loses control of the setting and the instrumentation at the same moment. It will discover the setting from the rising, which is the most expensive possible way to find out.

Third: where an order taxes a physiological necessity under monopoly, it creates a measuring instrument for its own pressure on the poorest that it cannot suppress, because it needs the numbers for revenue.

This is the module's most portable finding. Almost nothing about the condition of the Bengali poor between 1765 and 1858 can be counted. Wages are unrecorded for most of them. Grain prices are noisy and local. Belief, by its nature, leaves no series. Mortality is contested by an order of magnitude.

Salt is different, for three reasons that hold in any comparable case. The requirement is physiological, so demand per head is roughly fixed and does not respond to fashion or substitution. The supply was a state monopoly, so every lawful transaction passed through a government warehouse. And the sales were recorded — meticulously, annually, by district — because they were revenue, and an order counts its revenue whatever else it neglects.

The result is that the Company's salt ledger is a continuous, district-level, involuntary record of how hard the arrangement was pressing the people least able to bear it, kept by the order itself, for reasons entirely unconnected with the question, and therefore not shaped by any wish to answer it one way or the other. Nine pounds a head in 1846 against nearly twelve in 1814, in districts whose population had grown by half, is a harder number than anything in the political correspondence of the period.

The instruction: in any order that monopolises a necessity, the sales ledger is the cost column, and it is usually the only entry in it the order did not write for an audience.

A closing note of discipline. Nothing here establishes that the Bengali cultivator's position was worse than under the nawabs, and this module has not tried to establish it; the comparison is a matter for the grim accounting, where it can be done against figures rather than impressions. What this module does establish is the structure of his position under the Company: a real benefit in security, granted early and never withdrawn; a demand fixed for the man above him and left variable for him; a cost of refusal set by parties the state did not supervise and could not see; an exit that was open at the start of the period, priced in the rent rolls, and closed by demography rather than by law; and no belief whatever, on either side of the ledger, that the arrangement was rightful — because, as Module 4 found, nobody had ever tried to install one.

That is an order held together by the third dial almost alone, and the risings are what an order held together that way sounds like.

A note on sources. The salt arithmetic is from a review of D. C. Aylwin's *Pamphlet on the Salt-trade of India* (London, 1846) published in a London weekly in August of that year, a public-domain text: the retail price rarely below eight rupees or sixteen shillings per maund of eighty-two pounds; labourers' wages from three rupees a month down to about one pound sixteen shillings a year in a large majority of districts; the estimate that salt cost a peasant family between one-eighth and one-fourth of a year's labour; the Company's working assumption of twelve pounds a head; and the fall in Company sales from about eleven and three-quarter pounds a head in 1814 to nine pounds in 1846 in districts whose population rose fifty per cent over the same period. **This is an advocacy source arguing for the monopoly's abolition and its figures are the pamphleteer's, not the government's;** they are reproduced here with his own caution about smuggling stated in the text, and **they should be checked against the salt department's own returns before the series is relied on.** The administrative history of the monopoly — the Society of Trade of 1765, the abandonment of 1768, Hastings's auction of the *mehals* in 1772 and reorganisation into agencies in 1780, the delivery price to the *malangis*, the auction system and the duty of 3.25 rupees a maund from 1788, the criminalisation of private manufacture, the *goinda* surveillance network, and the reversal of the high-price policy in 1836 — rests on the standard scholarship and reference literature, some of which is paraphrased from a study of the Bengal salt industry in the *International Review of Social History*.

The indigo material rests on the Indigo Commission of 1860. Ashley Eden's testimony that no cultivator grew indigo out of free agency, and E. W. L. Tower's sentence about the chest of indigo, are quoted as they are reproduced in the secondary literature; **the Commission's printed report has not been consulted directly and both quotations should be verified against it.** The attribution of the "human blood"

sentence varies in circulation between Tower, magistrate of Faridpur, and Edward De Latour; the Faridpur attribution is the one that appears in the accounts closest to the Commission's report and is followed here, with the variance recorded. The structural fact that Europeans could not own land in Bengal, and the consequent reliance on the *satta* contract and on private force, is well established. The *satta*'s commitment of about a quarter of a holding is the conventional figure.

The Rangpur *dhing* is dated 18 January 1783; the five weeks of rebel control of Tepa, Kazirhat and Kakina, the appointment of a nawab and officers, the prohibition of revenue payment, the two subsequent commissions and Debi Singh's escape from punishment rest on the standard accounts. **The mass petition quoted in the text — that the raiyats are ruined and have sold their grain, cattle and effects — reaches this study through the secondary literature as a rendering rather than as a transcribed document, and should be traced to the Company records before being quoted again.**

The *khudkasht* and *paikasht* distinction, the lower rate charged to the migrant cultivator, and the disappearance of the distinction under population pressure are taken from the standard reference literature and from the Indian historiographical surveys; the underlying scholarship is Irfan Habib's and that of the Bengal agrarian historians. The *jotedars* and *mandals* and their local power are as in Module 2. Modern scholarship is paraphrased and credited throughout; John McLane on zamindari coercion and the culture of gift and patronage in eighteenth-century Bengal informs the treatment of the community's role.

Contested figures are given as ranges or with provenance stated. **The mortality of the Santhal *hool* of 1855–56 is given only as running from thousands into the low tens of thousands, because this study has not verified any of the figures in circulation, and the episode should be researched properly before it is used in the grim accounting.** The thirty thousand pending rent suits in Burdwan in 1798 is the conventional figure and reaches this study at second hand, as flagged in Module 2. No figures are offered for wages outside the Aylwin material, for indenture volumes, or for the Sannyasi, Chuar, Titu Mir and Faraizi risings, all of which the module names but does not quantify; each will need its own verification before Module 11.

MODULE 6

For Which No Satisfaction Is Made

Module 6 · Extraction — a tribute shipped as cargo, an accounting term that hid it, a metric that became a mechanism, and an order whose officers ended as its creditors

The word

On 25 June 1783 a Select Committee of the House of Commons, whose reports were written by Edmund Burke, laid before Parliament a definition:

> *"A certain portion of the revenues of Bengal has been for many years set apart to be employed in the purchase of goods for exportation to England, and this is called the Investment."*

That sentence is the whole of this module and everything else in it is elaboration. A share of the taxes collected from the cultivators of Bengal was set aside; with that money the Company bought Bengali cloth, silk, saltpetre and opium; the goods were loaded and sailed for London; and in London they were sold. Nothing came back the other way.

The Company's own word for this was neither tribute nor plunder. It was *investment* — an accounting term, unremarkable in a ledger, describing the outlay a merchant makes to acquire a stock in trade. The flatness of the word is the first finding of the module and the reason it took a parliamentary committee eighteen years to explain it to the House.

Burke supplied the phrase that names what the word concealed. Reckoning the value of the goods sent home from Bengal in the four years to 1780, he wrote that they were never less than a million sterling and commonly nearer twelve hundred thousand pounds, and then added the eight words this module is titled from:

> *"This million is the lowest value of the goods sent to Europe for which no satisfaction is made."*

What the Investment replaced

To see what changed in 1765, take Burke's account of what had gone before, which is also the best short description in the period of Bengal's place in the world economy.

"Until the acquisition of great territorial revenues by the East India Company, the trade with India was carried on upon the common principles of commerce,—namely, by sending out such commodities as found a demand in the India market, and, where that demand was not adequate to the reciprocal call of the European market for Indian goods, by a large annual exportation of treasure, chiefly in silver. In some years that export has been as high as six hundred and eighty thousand pounds sterling."

Europe wanted Indian goods and had almost nothing India wanted in exchange, so Europe paid in bullion. The English were one of several: the French, Dutch and Danes did the same, and Burke's estimate is that the total silver flowing annually from Europe into Hindustan "could not fall very short of twelve or thirteen hundred thousand pounds a year." His judgement on the effect is worth having exactly, because it is the counterfactual against which the rest of the module must be read:

"This influx of money, poured into India by an emulation of all the commercial nations of Europe, encouraged industry and promoted cultivation in a high degree, notwithstanding the frequent wars with which that country was harassed, and the vices which existed in its internal government."

Bengal, in other words, had been the terminus of the world's silver. It sold and was paid. The Landscape established the same fact from the other end: a banking house at Murshidabad whose principal business included the purchase of imported bullion and control of the mint.

And then:

"But at or very soon after the acquisition of the territorial revenues to the English company, the period of which may be reckoned as completed about the year 1765, a very great revolution took place in commerce as well as in dominion... From that time bullion was no longer regularly exported by the English East India Company to Bengal, or any part of Hindostan; and it was soon exported in much smaller quantities by any other nation."

Burke's verdict on the new arrangement is not moderate and was not meant to be:

"A new way of supplying the market of Europe, by means of the British power and influence, was invented: a species of trade (if such it may be called) by which it is absolutely impossible that India should not be radically and irretrievably ruined."

The inversion, stated as an accounting identity

The mechanism is easiest to hold as a single sentence, and Burke wrote it:

> *"In all other countries, the revenue, following the natural course and order of things, arises out of their commerce. Here, by a mischievous inversion of that order, the whole foreign maritime trade, whether English, French, Dutch, or Danish, arises from the revenues; and these are carried out of the country without producing anything to compensate so heavy a loss."*

Ordinarily a state taxes a trade. Here a trade was funded by a tax. And because the goods so funded then went abroad and were sold, the transaction had, from Bengal's side, no second leg at all:

> *"In that view, the whole exported produce of the country, so far as the Company is concerned, is not exchanged in the course of barter, but is taken away without any return or payment whatsoever. In a commercial light, therefore, England becomes annually bankrupt to Bengal to the amount nearly of its whole dealing; or rather, the country has suffered what is tantamount to an annual plunder of its manufactures and its produce to the value of twelve hundred thousand pounds."*

One qualification belongs immediately and Burke supplies it himself, in a footnote: about a hundred thousand pounds a year of European goods *were* sent out and sold, and should be deducted from the million. What those goods were is the more instructive point, and he gives it:

> *"The goods which are exported from Europe to India consist chiefly of military and naval stores, of clothing for troops, and of other objects for the consumption of the Europeans residing there; and, excepting some lead, copper utensils and sheet copper, woollen cloth, and other commodities of little comparative value, no sort of merchandise is sent from England that is in demand for the wants or desires of the native inhabitants."*

The return flow, such as it was, consisted mainly of the equipment of the force that held the province and the household goods of the men who governed it.

The arithmetic

The Investment's course can be traced year by year from the Committee's own figures.

It began in 1766, before any machinery existed to fund it properly. The first was about **£500,000**. In 1767 and 1768 it rose to **£700,000**. It faltered in 1769, and the Presidency was reduced to paying for some goods in Company bonds bearing interest.

Then came 1770. Burke's sentence on what the Company did that year is one of the coldest in the report:

> *"Notwithstanding the famine in 1770, which wasted Bengal in a manner dreadful beyond all example, the investment, by a variety of successive expedients, many of them of the most dangerous nature and tendency, was forcibly kept up; and even in that forced and unnatural state it gathered strength almost every year."*

By 1778 the provision for the Investment from the revenues and the monopolies stood at an estimated **£1,400,000** — the high-water mark. For the four years ending 1780 the goods shipped home were never below a million and commonly nearer £1.2 million.

Alongside the Investment ran two further transfers for which, in Burke's phrase, there was no return: about **£100,000 a year** remitted from Bengal to China on the Company's account, the whole product of which flowed into the China–Europe trade; and about **£160,000 a year** at a medium to Bombay, in money, bills or goods, to cover a presidency that could not pay its own establishment.

And above and beyond the Investment, the gross revenue was carrying, in time of peace, "two millions at the least" for the charges of collection and for the civil and military establishments.

Who was being paid, and why nobody could stop

The most useful part of the Ninth Report for this collection is not the arithmetic but the incentive structure, which Burke sets out because he is trying to explain to the Commons why fifteen years of remonstrance had changed nothing.

Two years after the diwani, the proprietors of East India stock and the British government agreed how to divide the anticipated proceeds:

> *"About two hundred thousand pounds was added to the annual dividends of the proprietors. Four hundred thousand was given to the state, which, added to the old dividend, brought a constant charge upon the mixed interest of Indian trade and revenue of eight hundred thousand pounds a year.* ***This was to be provided for at all events.****"*

Read that last clause against Module 2. In 1793 the Company fixed, in perpetuity, what it would demand of the Bengal proprietor, and abolished by name any relief for drought, inundation or other calamity of seasons. In 1767 it had already fixed, in perpetuity in all but name, what would be paid out at the London end. **Both ends of this order were nailed down and only the middle could move** — which means every shock, every failed monsoon, every war, was absorbed by the layer between the fixed demand above and the fixed obligation beyond the sea, and that layer was the cultivator and the weaver.

Burke then names the reason no official had any interest in reporting the truth:

> *"the reputation of the Directors depended on the keeping the Company's sales in a situation to support the dividend, that of the ministers depended on the most lucrative bargains for the Exchequer, and that of the servants abroad on the largest investments"*

And, in the sentence that is the centre of this module:

> *"The greatness of this investment has been the standard by which the merit of the Company's principal servants has been too generally estimated; and this main cause of the impoverishment of India has been generally taken as a measure of its wealth and prosperity."*

The number by which a Company servant's career was judged was the number that measured how much was being taken out. There was no corruption required for this to operate. A conscientious officer maximising his Investment was doing his duty as the institution had defined it, and the better he did it the worse the outcome he was producing.

Burke also identifies why nobody at home suspected:

> *"Numerous fleets of large ships, loaded with the most valuable commodities of the East, annually arriving in England, in a constant and increasing succession, imposed upon the public eye, and naturally gave rise to an opinion of the happy condition and growing opulence of a country whose surplus productions occupied so vast a space in the commercial world. This export from India seemed to imply also a reciprocal supply... But the payment of a tribute, and not a beneficial commerce to that country, wore this specious and delusive appearance."*

The extraction sorted by caste, audited by the extractor

The framework's colonial bend predicts extraction sorted by caste, and the Ninth Report performs that audit itself.

On the two millions a year going to collection charges and to the civil and military establishments:

> *"From the portion of that sum which goes to the support of civil government the natives are almost wholly excluded, as they are from the principal collections of revenue. With very few exceptions, they are only employed as servants and agents to Europeans, or in the inferior departments of collection, when it is absolutely impossible to proceed a step without their assistance."*

On the army:

> *"In this army, nine tenths of which consists of natives, no native, of whatever description, holds any rank higher than that of a Subahdar Commandant, that is, of an officer below the rank of an English subaltern."*

And:

> *"All the honorable, all the lucrative situations of the army, all the supplies and contracts of whatever species that belong to it, are solely in the hands of the English; so that whatever is beyond the mere subsistence of a common soldier and some officers of a lower rank... is sooner or later, in one shape or another, sent out of the country."*

The third strand is the destruction of the conquered service class, and Burke traces it through a single line item. The allowance paid to the Nawab of Bengal under the treaty was £420,000 a year. It was reduced by a new treaty to £320,000, and then, on a pretext of the Nawab's minority and a temporary sequestration for debts, to £160,000 — where it remained after the minority ended and the debts were said to be paid. Burke explains what that money had been doing:

> *"This sum, however inconsiderable, compared to the revenues of the province, yet, distributed through the various departments of civil administration, served in some degree to preserve the natives of the better sort, particularly those of the Mahomedan profession, from being utterly ruined. The people of that persuasion, not being so generally engaged in trade, and not having on their conquest of Bengal divested the ancient Gentoo proprietors of their lands of inheritance, had*

for their chief, if not their sole support, the share of a moderate conqueror in all offices, civil and military."

Note what Burke has done there, almost in passing: he has read the Muslim service class of Bengal as the residue of a *previous* conquest which had left the earlier proprietors in place, and observed that a class whose entire livelihood is office is destroyed simply by closing the offices. No violence is required and none is recorded. The line item goes from £420,000 to £160,000 and a stratum ceases to exist.

To this must be added the monopolies, which the Ninth Report treats at length under their own headings — salt, opium, saltpetre. Salt has had its own module. The scale of the two principal ones together is best given from the modern quantitative work: on J. F. Richards's figures, opium and salt produced on average something approaching a fifth of gross revenues across Company rule, rising to about a quarter in its last fifteen years, as opium became one of the most valuable commodities in world commerce.

What happened when the province could no longer pay

The last part of the Ninth Report's account of the Investment is the one this collection most needs, because it describes what an extractive order does when the extraction outruns the thing extracted from.

The peak was 1778. By December 1780 Hastings was writing to the Directors that he bore too high a respect for their characters to prepare them gradually, and that there would be "a necessity of making a large reduction, or possibly a *total suspension*," of the Investment; that they had already been reduced to borrowing near £700,000; and that "this resource cannot last."

It did not. In April 1781 the Council authorised certificates for government bonds at eight per cent to the tune of about £650,000, and fixed the Investment at £900,000. The new bonds overloaded the market; earlier issues went to a discount; the Board of Trade had to advance a quarter more than usual to contractors; the bonds fell to eight, nine and ten per cent discount; and a further discount had to be settled with the agents, adding at least twelve per cent to the cost of all goods. The Investment, Burke observes, was now not being supported by the revenues but was sinking them, since the net revenue was being reduced daily by interest accruing on account of the Investment itself. The Board of Trade's own phrase for what it was running on was "the sinking credit of a paper currency, laboring, from the uncommon scarcity of specie, under disadvantages scarcely surmountable" — and on that basis it claimed to have effected an

ostensible provision for the year. For 1783, Burke notes, "nothing appears even ostensible."

And then, in April 1782, the terminal move. Unable to fund the Investment from revenue or credit, the Council announced a new method: a private subscription of eighty lakhs of rupees — £800,000 — raised from the Company's own servants, who would provide the cargoes at their own risk and be repaid out of the produce of the sales in England.

Burke's reading of the scheme is unimprovable:

> *"By this extraordinary scheme the Company is totally overturned, and all its relations inverted. From being a body concerned in trade on their own account, and employing their servants as factors, the servants have at one stroke taken the whole trade into their own hands, on their own capital of 800,000l., at their own risk, and the Company are become agents and factors to them, to sell by commission their goods for their profit."*

The commissioners appointed to manage the subscription in Bengal turned out to be the three senior servants of the Company's own Board of Trade, drawing salaries of £2,000 and £1,500 a year from the Company while acting as factors for others at seven per cent on the net produce.

Trace the capital. The servants' £800,000 was money they had accumulated in Bengal out of salaries, private trade and the emoluments of office — which is to say out of the same revenue. It was now being lent back into the purchase of the very cargoes the revenue could no longer fund, on terms under which the corporation carried the outward charges and the servants took the sale proceeds. And Burke identifies the object plainly: the scheme's authors themselves say it will "open a new channel of remittance" for private fortunes, and may lead to "some permanent mode" of combining the remittance of private fortunes with the Company's investment.

His conclusion is the sentence to carry out of this module:

> *"the principles and economy of the Company's trade have been so completely corrupted by turning it into a vehicle for tribute"*

The part that is genuinely disputed

One large question has to be flagged rather than settled, because settling it requires evidence this module has not assembled and because the collection's discipline forbids adopting one side of a live scholarly dispute as though it were established.

Bengal in 1750 was one of the world's great textile manufacturing regions. A century later it was not. The nationalist economic historians — Dadabhai Naoroji, R. C. Dutt and those who followed them — attributed this to Company policy: the monopsony by which the Company's agents advanced money to weavers and bound them to deliver at prices the Company set; the coercion that enforced those contracts; the destruction of the weaver's alternative buyers; and, after the Company's commercial functions ended, the tariff asymmetry under which Indian cotton goods entered Britain heavily taxed while British goods entered India lightly. A substantial body of more recent work — Tirthankar Roy's and Bishnupriya Gupta's among it — argues that the decisive factor was the collapse of Lancashire's costs after mechanisation, against which no Indian handloom sector could have competed whatever the policy, and that the "deindustrialisation" thesis both overstates the pre-colonial baseline and understates the persistence of Indian textile production into the twentieth century.

Both positions have serious evidence. This module does not adjudicate between them and should not be read as having done so. What it can say is narrower and is Burke's, from the same report: whatever the eventual cause of the industry's decline, the *terms* on which the weaver dealt with the Company between 1765 and 1813 were not the terms of a market, because the buyer was also the government, the police and the courts. The grim accounting will have to take this up properly, with figures.

Reading the extraction against the framework

Three refinements, building on what the preceding modules established.

First — and this is the module's principal contribution — an extraction taken in kind and shipped is nearly invisible, because its evidence is indistinguishable from prosperity.

Every extraction the collection has previously examined announces itself. A fifth of the spoil, a tithe, a fixed *jama*, a poll tax: somebody hands something over and the handing over is the event. The Investment has no such event. A weaver is paid for his cloth; a merchant is paid for his silk; every individual transaction in the chain is a purchase at a price. The extraction happens not in any transaction but in the *source of the money*, and the source is a ledger entry in Calcutta that no participant sees.

And the visible consequence is a fleet. Burke's account of how this deceived the British public is precise and is a general finding: ships arriving in constant and increasing succession, valuable cargoes, a country whose surplus productions occupied so vast a space in the commercial world — and the natural inference, drawn by everyone, that such a country must be flourishing.

Where an order takes its share in kind and exports it, its trade statistics record the extraction as a boom, and the volume of exports is the size of the loss rather than the proof of wealth. The instruction for reading any such case: do not ask what the territory exported. Ask what was sent the other way, and in what. If the return cargo is military stores and the household goods of the governing class, the trade is not a trade.

Second: where an order judges its officials by a number, the number ceases to measure and begins to govern — and this is a mechanism, not a moral failing.

The greatness of the Investment was the standard by which the merit of the Company's principal servants was estimated. It was also the main cause of the impoverishment of the province. Those two facts were true simultaneously for eighteen years and nobody in the system had to be dishonest for it to work. A servant who wanted promotion maximised the Investment; his superiors, whose own reputations rested on the dividend and on the bargain with the Exchequer, wanted him to; and the resulting number was reported home as evidence of the province's prosperity, which is exactly what it was not.

This should be paired with the fixity finding. The £800,000 fixed at the London end in 1767 "to be provided for at all events," and the *jama* fixed at the Bengal end in perpetuity in 1793 with remission abolished by name, are the same instrument operating from opposite directions. **When an order fixes both its obligations and its demand, every shock has to be absorbed by whatever lies between them** — and in this case what lay between them was the entire population of three provinces.

Third: the terminal phase of an extractive order is not that it runs out of money, but that its own officers become its creditors.

The sequence from 1778 to 1782 is a clean specimen and worth generalising. First the extraction peaks. Then it is maintained by borrowing rather than by revenue. Then the borrowing costs exceed the revenue's growth, so that servicing the debt incurred to fund the extraction reduces the revenue from which the extraction is taken. Then paper issued against future returns goes to a discount, raising the cost of everything purchased with it. And finally the officials of the order, who hold the accumulated proceeds of a generation of extraction, lend that capital back into the enterprise on terms that make the institution their agent.

Burke's phrase for the end state — that the Company had become factor to its own servants, selling their goods for their profit — describes a condition the collection should learn to recognise. **An order in which the governing class has become the creditor of the institution it governs through is no longer extracting for the institution; it is using the institution to extract for itself, and it will defend the**

institution exactly as long as that arrangement holds and not one day longer. That is a prediction about the default, and the module on elite coordination will have to test it.

A closing note of discipline. Burke was a partisan, engaged in a political campaign against a particular administration, and the Ninth Report is a prosecution document. Its figures should be treated as advocacy until checked. But two things about it are unusual enough to be worth stating. Its estimates are drawn from the Company's own consultations and correspondence, quoted and cited, and the Company did not contest the arithmetic. And its central charge is not that individuals stole — Burke is nearly uninterested in that — but that a correctly-functioning institution, staffed by men doing what they had been told to do, and measured by a number their superiors had chosen, produced the impoverishment of a province as its ordinary output. That is a structural finding rather than a moral one, arrived at by a man with every incentive to make a moral one, and it is why the Ninth Report is still the best single document on this subject two hundred and forty years later.

A note on sources. The great majority of this module is exact quotation from the *Ninth Report of the Select Committee of the House of Commons on the Affairs of India*, dated 25 June 1783, written by Edmund Burke and printed in volume VIII of *The Works of the Right Honourable Edmund Burke* (Nimmo, London, 1887), a public-domain text consulted directly: the definition of the Investment; the account of the pre-1765 silver trade and the £680,000 figure; the estimate of £1.2–1.3 million of European silver annually; the "great revolution... in commerce as well as in dominion"; the ending of bullion export; the "species of trade (if such it may be called)"; the "mischievous inversion" passage; the "annually bankrupt to Bengal" passage; the progression of the Investment through 1766, 1767–68, 1778 and the four years to 1780; the footnote deducting about £100,000 of European exports; the composition of exports from Europe; the China and Bombay remittances; the "two millions at the least" for collection and establishments; the 1767 division of £200,000 to dividends and £400,000 to the state "to be provided for at all events"; the passage on the reputations of Directors, ministers and servants; the "greatness of this investment" as the standard of merit; the "numerous fleets of large ships" passage; the exclusion of natives from civil employment and from rank above *subahdar*; the reduction of the Nawab's allowance from £420,000 to £320,000 to £160,000 and Burke's explanation of its effect on the Muslim service class; Hastings's warning of December 1780 and the borrowing of near £700,000; the bond issues, discounts and the "sinking credit of a paper currency"; the subscription scheme of April 1782, the identity of the commissioners and their salaries;

and the "vehicle for tribute" conclusion. The Report's own spellings and italics are retained.

The Ninth Report is a prosecution document produced in the course of a political campaign, and its figures are Burke's Committee's readings of the Company's records rather than audited accounts. They are used here because they are the fullest contemporary statement of the mechanism and because they are drawn from and cite the Company's own consultations; they should nonetheless be checked against the Company's commercial and revenue accounts before any of the annual figures is relied on in the grim accounting.

Modern scholarship is paraphrased and credited: J. F. Richards for the share of gross revenue produced by the salt and opium monopolies, given here as approximate shares rather than precise percentages because this study has not consulted his tables; the recent quantitative work on Company budgets and the measurement of the drain; and, on the disputed question of Bengal's textile industry, the nationalist tradition running from Dadabhai Naoroji and R. C. Dutt on one side and the revisionist work of Tirthankar Roy and Bishnupriya Gupta on the other. **That dispute is named and not resolved here, and Module 11 must not resolve it by assertion either.**

Contested figures are given as ranges or with provenance stated. **The frequently cited statement that the Charter Act of 1793 directed the Company to take ten million current rupees, or £1 million, annually from the territorial revenues for the Investment reaches this study only at second hand and is deliberately omitted from the text above; it should be verified against the Act before use.** No figure is offered here for total private remittance by Company servants, for the aggregate of presents received between 1757 and 1765 — flagged as outstanding since Module 1 — or for the value of Bengal's textile exports at any date. Burke's own figures for the private silver sent to China by British subjects, and for the sums lent to Chinese merchant houses, are recorded in the Report but are not used in the argument above, since they concern private rather than Company account and their provenance in the Report is a single memorial of March 1782.

Those Myriads of White Ants

Module 7 · Information and Suppression — a seam held open by distance and by vocabulary rather than by censorship; two upward channels abolished and none built; and a Bengali offer to build one, refused in writing

The man at the trunk

In 1778 a European resident of Murshidabad — a French creole who had taken the name Haji Mustapha, lived in Hindustani dress, and walked the city's streets in the evenings with a single servant, listening — applied to a senior Company official for support in obtaining a minor post. In the course of explaining the qualifications he thought the office required, he mentioned keeping an open table, and described it as a political engine. The official turned his head away and could not quite suppress a laugh.

Eight years later, writing the preface to his translation of Ghulam Husain Khan's history, the man recorded what he had thought about that laugh:

> *"Mr. B seated at the top of a towering lofty tree, could descry from afar the elephants and rhinoceroses that came to tear off some branches of the tree, and the tigers and bears that wanted to climb up to it. In the humble station in which I moved, close to the trunk, I was too low to discover any thing of those elephants and tigers, but very properly seated, however, to discover those myriads of white ants that were approaching the trunk in their covered galleries; and although I pretended to no knowledge either in politics or in physics, I knew for certain, that if ever they devoured the bark, there was an end of the tree."*

That is the cleanest statement in the whole archive of what this module has to establish. Not that the Company was deceived — it was rarely deceived about anything it could see. That the things which would eventually destroy it were visible only from a position nobody in the Company occupied, moved in covered galleries, and were not the sort of thing an elevated observer is equipped to notice.

The same preface supplies the measurement. Writing of the disaffection that had spread through Bengal at the time of the Benares crisis of 1781, when reports circulated that the Governor-General had been killed and men in the best company in Murshidabad were openly calculating how few troops stood between them and Calcutta, he notes that the inference is now known in Europe, but that at the time perhaps **eight or ten** persons in the whole of Bengal had suspected it.

Eight or ten. In a province the Company had governed for sixteen years.

Two channels abolished, none built

Module 3 established one half of this. The Mughal order maintained a *bar-am*: a public audience, twice a week, two hours at a time, at a window three feet from the ground, through which — in the translator's description — the meanest petitioner could walk up to the ruler between two rows of his ministers and generals. Provincial governors imitated the practice, and the footnote that records this dates its end precisely: **down to Mir Qasim.**

The other half belongs here, because the Mughal state had a second and less ceremonial channel. It maintained *waqianavis* — official news-writers, posted through the provinces, whose function was to record occurrences and report them to the centre, and who served as the court's standing intelligence on what was happening in places the court could not see. They were, on the frank description in the Bengali reference literature, both news-recorders and secret informers, and the two functions were the same function.

Set the two together and the prior order's information architecture is visible: a ceremonial channel by which a subject could physically reach the ruler, and a covert channel by which the ruler could reach the subject's district without the local officer's cooperation. Neither was efficient. Both were cheap. Both existed.

The Company operated neither. It did not hold audiences and it did not maintain news-writers. Its knowledge of Bengali opinion came from three places: what a Company servant heard from his *banian*, who had every reason to tell him what suited the banian; what a magistrate happened to notice and thought worth putting in a report; and what turned up in the courts. Module 4 supplied the demonstration. In January 1857 the rumour that would destroy the Bengal army reached the government not through any channel the government maintained, but as an incident report from the commandant of a musketry depot who had happened to hear about an argument over a water pot.

The seam that nobody had to build

The framework's colonial bend predicts a seam split in two by distance: what is hidden from the metropole is what the conquered live, and the order's central task is keeping the two ends from meeting.

Bengal confirms the seam and complicates the task, because for most of this period **nobody had to keep the ends apart.** They were apart already.

The mechanical fact was established in the landscape: a ship took a season each way, so a question from Leadenhall Street and its answer took the better part of a year and frequently much more. Burke, arguing against Fox's East India Bill's opponents in December 1783, put the consequence in a sentence that is the best short statement of a colonial seam in the English language:

> *"The consequences of their conduct, which in good minds, (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds."*

Consequences travelled slower than the men who caused them. That is not concealment. It is arithmetic.

But distance can be worked with, and the Ninth Report records the Company's Bengal government working with it. In April 1782 the Council announced to the Directors a fundamental change in the financing of the Investment — the private subscription of eighty lakhs described in Module 6. They sent the *announcement* of the plan by one overland dispatch and the *plan itself* by a different overland dispatch, which never arrived. A third copy went by sea and arrived late. The Directors had standing orders requiring duplicates of all dispatches by every ship. Burke's comment:

> *"In this case, so far from sending a duplicate, they do not send even one perfect account. They announce a plan by one conveyance, and they send it by another conveyance, with other delays and other risks."*

And when the plan finally arrived four months later, it had already been superseded: a letter to Madras of 10 May, never intended for transmission to London, revealed that the whole scheme had been fundamentally altered within a month of its announcement. The Directors learned of the alteration only because a ship happened to sail from Madras. Burke's finding is that they were left "without any fixed data upon which they can make a rational disposition of their affairs" — which is a description of an oversight body that has been managed rather than lied to.

Opacity by vocabulary

And now the module's central finding, which Burke states at the very opening of the Ninth Report and which this collection has not previously had to name.

The Committee began by explaining its own choice of style:

> *"Your Committee have endeavored to perform this task in plain and popular language, knowing that nothing has alienated the House from inquiries absolutely necessary for the performance of one of the most essential of all its duties so much as the technical language of the Company's records, as the Indian names of persons, of offices, of the tenure and qualities of estates, and of all the varied branches of their intricate revenue. This language is, indeed, of necessary use in the executive departments of the Company's affairs; but it is not necessary to Parliament."*

And then the mechanism:

> *"A language so foreign from all the ideas and habits of the far greater part of the members of this House has a tendency to disgust them with all sorts of inquiry concerning this subject. They are fatigued into such a despair of ever obtaining a competent knowledge of the transactions in India, that they are easily persuaded to remand them back to that obscurity, mystery, and intrigue out of which they have been forced upon public notice by the calamities arising from their extreme mismanagement."*

Read that carefully, because it is a complete account of a suppression mechanism that involves no suppression.

Nothing is hidden. The records exist, in volume, and are available. But they are written in a register — *jama*, *khalsa*, *ijara*, *mal zamini*, *sicca* rupees, *dastak*, *nizamat*, *diwani*, *maund*, *lakh*, *crore*, *pargana*, *zila* — which a Member of Parliament cannot parse without an education he has no reason to acquire. The effect is not that he is deceived. The effect is that he becomes **fatigued into despair**, gives up, and votes to hand the subject back to the people who understand it, who are the people the inquiry was about.

Burke's remedy is the reason the Ninth Report is readable two hundred and forty years later: he translated. And he says why he had to.

The framework should note the economics of this. Censorship is expensive: it requires officers, it produces martyrs, it generates the very interest it is meant to suppress, and it can be repealed. Opacity by vocabulary costs nothing, produces no victims, generates no interest whatever, and cannot be repealed because there is nothing to repeal. It also has a quality censorship lacks: it is entirely deniable, because the technical language really is, as Burke concedes in the same breath, "of necessary use in the executive departments." Nobody chose it. It arose. And it did the work.

The suppression that was performed

Alongside all of that, and much less important than it looks, sits an actual apparatus of press control. Its chronology is worth setting out because its *direction* is the finding.

c.1768. William Bolts, a Company servant turned independent merchant, attempted to bring out a paper in Calcutta covering the internal contradictions of the Company's activities. He was directed to quit Bengal and take his passage to England. He went, and in 1772 published *Considerations on India Affairs*, whose appendix supplied Module 1 with the text of the treaty of 16 August 1765. The first attempt at a Bengal newspaper was suppressed at source, and its author's revenge was to print the documents in London four years later — which is a précis of the whole information problem.

29 January 1780. James Augustus Hicky published the first number of the *Bengal Gazette*, a two-sheet weekly with a circulation of perhaps two hundred, produced on a hand-press, aimed at the British residents of Calcutta, and increasingly given over to attacks on Warren Hastings, his wife, and the judges. Its motto was that it was open to all parties but influenced by none. Hastings's Supreme Council responded by forbidding the paper the use of the post office. Hicky escalated. He was prosecuted, imprisoned, and on 30 March 1782 his types and press were seized.

1799. Lord Wellesley promulgated regulations imposing pre-publication censorship: proofs to be submitted to government before printing. The stated justification was the French war. In 1807 the requirement was extended to books, pamphlets and magazines. In 1818 the Marquess of Hastings, who had tolerated a great deal of criticism, abolished pre-censorship.

14 March 1823. John Adam, acting Governor-General, promulgated the Licensing Ordinance without prior notice: no periodical could be published without a licence from the Governor-General in Council, revocable at pleasure whenever a publication appeared to government to contain anything of an unsuitable character; the penalty for printing without one was four hundred rupees and seizure of the press. One of Adam's first acts in office had been to deport the editor Buckingham to London.

September 1835. Sir Charles Metcalfe, acting Governor-General, repealed the 1823 regulations, requiring only a declaration of the printer, publisher and premises. Bengal called him the liberator of the Indian press.

Now read the direction of travel, and hold it against Module 3's finding that a robe is addressed to whoever holds the power of revocation.

Hicky's paper had a circulation of two hundred, in English, among Europeans. It could not conceivably have moved Bengali opinion and was never intended to. What alarmed the Company, on the standard accounts, was precisely that such papers **would**

reach London and expose them there. Wellesley's 1799 regulations were framed against a European enemy. Every instrument down to 1818 was aimed at the English-language press read by Englishmen and shipped home.

And then 1823, which is the exception that proves the rule — because 1823 is aimed, for the first time and explicitly, at publications in the Indian languages.

What had changed between 1818 and 1823? An Indian-language press had come into existence. Rammohun Roy started the Bengali weekly *Sambad Kaumudi* in December 1821 and the Persian *Mirat-ul-Akhbar* in 1822. And Roy's project, stated in his own prospectus for the Persian paper, was not to agitate Bengal. It was this:

> *"in taking upon myself to edit this Paper, my only object is, that I may lay before the Public such articles of Intelligence as may encrease their experience, and tend to their social improvement; and that to the extent of my abilities, I may communicate to the Rulers a knowledge of the real situation of their subjects, and make the subjects acquainted with the established laws and customs of their Rulers: that the Rulers may the more readily find an opportunity of granting relief to the people; and the people may be put in possession of the means of obtaining protection and redress from their Rulers."*

That is an offer to build, privately and at his own expense, exactly the two channels the Mughal order had maintained and the Company had abolished: a route by which the ruler learns the real situation of his subjects, and a route by which subjects learn the rules they are being governed under.

The offer, and its refusal

The Ordinance had to be submitted to the Supreme Court at Calcutta for registration. Six Bengali gentlemen — Chandra Kumar Tagore, Dwarkanath Tagore, Rammohun Roy, Harachandra Ghose, Gaurichandra Banerjee and Prasanna Kumar Tagore — submitted a memorial against it. Roy is generally taken to have been its author. His biographer Sophia Collet later called it the *Areopagitica* of Indian history.

Its opening move is to state what the memorialists had expected the government to do:

> *"While your Memorialists were indulging the hope that Government, from a conviction of the manifold advantages of being put in possession of full and impartial information regarding what is passing in all parts of the Country, would encourage the establishment of Newspapers in the cities and districts under the special patronage and protection of Government, that they might furnish the*

> *Supreme Authorities in Calcutta with an accurate account of local occurrences and reports of Judicial proceedings, they have the misfortune to observe, that on the contrary, his Excellency the Governor General in Council has lately promulgated a Rule and Ordinance imposing severe restraints on the Press..."*

Note the argument. It is not a claim of right against the state. It is a proposal that the state should found and protect newspapers *as an instrument of its own government* — a network of district papers reporting local occurrences and judicial proceedings up to Calcutta. Which is to say: a *waqianavis* system, rebuilt on a printing press, offered to a government that had never had one.

Then the injury:

> *"Another evil of equal importance in the eyes of a just Ruler is, that it will also preclude the Natives from making the Government readily acquainted with the errors and injustice that may be committed by its executive officers..."*

And then the passage the memorial is remembered for:

> *"Every good Ruler, who is convinced of the imperfection of human nature, and reverences the Eternal Governor of the world, must be conscious of the great liability to error in managing the affairs of a vast empire; and therefore he will be anxious to afford every individual the readiest means of bringing to his notice whatever may require his interference. To secure this important object, the unrestrained Liberty of Publication is the only effectual means that can be employed."*

The Supreme Court rejected the memorial. Roy and Dwarkanath Tagore appealed to the King in Council in London. That appeal was rejected too. And Roy, rather than apply for a licence, closed *Mirat-ul-Akhbar*.

Three things about that sequence belong in the record.

First, the argument made was an argument the Company had every reason to accept and no reason at all to fear. Roy was not asking for a right to attack the government; he explicitly conceded that the law of the land was properly armed to punish misrepresentation of the government's conduct or character, and he accepted restrictions he thought local circumstances justified. He was offering to fix, free, the specific defect that Module 4 would later show destroying the Bengal army — the absence of any channel by which the government could learn what its subjects believed before they acted on it.

Second, the refusal came from London as well as Calcutta. The appeal to the King in Council is the moment the two ends of the seam were forced to meet, by a Bengali, using the metropolitan constitution, and the metropolitan end declined.

Third, and this is the finding that compounds Module 3: **the order extended censorship to the governed at precisely the moment the governed acquired a channel to the party that could revoke its charter.** For forty years the Company had censored in the direction of London, because London held the redemption clause of 1709. In 1823 an Indian-language press appeared whose proprietor was capable of drafting a memorial in English, filing it in the Supreme Court, and appealing to the Privy Council. Within a year of the Bengali press becoming articulate in the metropole's own idiom, it was licensed.

The paradox to hold

A discipline note is owed here, because the simple version of this module would be false.

The East India Company was one of the most exhaustively documented governments in the eighteenth-century world. It kept consultations, proceedings, revenue records, judicial records, and a correspondence with London running to millions of words. Parliament produced the reports of 1772–73, the Ninth and Eleventh Reports of 1783, the impeachment proceedings, and the Fifth Report of 1812. Burke's Committee did not have to break into anything; it read the Company's own files and quoted them back. William Bolts printed the treaties. The Indigo Commission of 1860 took sworn evidence from over a hundred witnesses and published magistrates saying that no cultivator grew indigo of his own free agency.

This order did not primarily conceal. It **produced**, in enormous volume, and was not read.

That is the paradox and it is the module's real subject. An order can be simultaneously transparent and opaque, and Bengal shows the mechanism by which: the documentation is complete, the documentation is public, and the documentation is unintelligible to the only body with power to act on it. There is a shelf, and everything is on it, and nobody can read the spines.

What the order genuinely did not have was the other direction. Its records tell you, in exhaustive detail, what its own officers did and thought. They tell you almost nothing about what thirty million people believed, wanted, feared or intended, because no instrument existed to find out — the *bar-am* having ended with Mir Qasim, the *waqianavis* never having been replaced, and the offer of a substitute having been refused in 1823 by both ends of the government at once.

The man at the trunk was right about the tree, and there was no arrangement by which anyone was going to ask him.

Reading information and suppression against the framework

Three refinements, building on what the preceding modules established.

First — and this is the module's principal contribution — opacity by vocabulary is a suppression mechanism superior to censorship in every operational respect, and it requires no decision by anyone.

Burke names it, explains its effect, and states his own remedy. The Company's records were open. They were written in a technical register combining the vocabulary of Mughal revenue administration with the vocabulary of double-entry commerce. A legislator confronting them was not deceived; he was *fatigued into despair* of ever obtaining competent knowledge, and therefore, of his own accord, voted to return the subject to the people it concerned.

Compare the costs. Censorship needs officers, courts, seizures and deportations; it manufactures martyrs, as Hicky became; it advertises the existence of the thing suppressed; and it can be repealed by a Metcalfe in a morning. Opacity by vocabulary needs nothing, injures nobody visibly, creates no interest, and cannot be repealed because there is no instrument to repeal. It is also perfectly deniable, since the technical language genuinely is necessary in the executive departments — which is why Burke concedes the point in the same sentence in which he attacks its effect.

The instruction to carry forward: **when assessing what an order concealed, do not begin with its censorship. Begin by asking whether its oversight body could read its records.** Where an order's operations are conducted in a register the supervising authority cannot parse without special training, concealment is structural, costless, and total, and the archive will look wide open.

Second: an order that abolishes its predecessor's upward information channels without building its own goes blind in one specific direction, and will not notice, because its downward reporting improves at the same time.

The Company's information about itself got steadily better across this period: more records, better accounts, parliamentary inquiries, statistical reports. Its information about the governed did not exist at the start and did not exist at the end. Both facts are consequences of the same design — an order that needs no belief from its subjects has no reason to invest in finding out what they believe, and Module 3 explained why it needed none.

The framework should record the asymmetry as a standing prediction. **Where an order's floor is hired and its extraction subcontracted, its administrative**

reporting will be excellent and its political intelligence will be nil, because every channel it maintains runs between its own officers. The failure will not present as a failure until something happens that only the governed could have warned it about.

Third — compounding Module 3 — an order censors in the direction of whoever can revoke it, and extends censorship to the governed only when the governed acquire a channel to the revoker.

The direction of the Bengal press regulations is the evidence and it is unusually clean. From Bolts in 1768 to the relaxation of 1818, every instrument was pointed at English-language publications read by Europeans and capable of reaching London — which is where the charter could be taken away. Not one was aimed at the Bengali population, whose opinion the order did not require and did not solicit.

The Ordinance of 1823 broke that pattern, and what had changed was not that Bengalis had begun to read newspapers. It was that a Bengali had begun to file petitions in the Supreme Court and appeals to the King in Council. Roy's papers were in Bengali and Persian; his memorial was in English, addressed to the metropolitan constitution, and it went to London. The censorship followed the channel.

The instruction: to predict where an order will censor, do not ask where dissent is loudest. Ask which route reaches the party holding the power of revocation, and watch that route. And the corollary, which is the melancholy part of this module: the order refused, in the same act, the one instrument that would have told it what its own soldiers were saying to each other about a cartridge thirty-four years later. It was offered the channel, in writing, by a man who wanted to build it at his own expense for the government's benefit, and both ends of the government said no.

A note on sources. The quotations from the translator's preface to the *Seir Mutaqherin* — the white ants passage and the "eight or ten" persons who suspected the disaffection of 1781 — are from the public-domain Raymond translation (Calcutta, 1789; 1902 reprint), consulted directly, with the same cautions about OCR damage and about the translator's dependence on English patronage that were entered in Module 3.

The Burke quotations are from public-domain texts consulted directly: the passage on "the technical language of the Company's records" and being "fatigued into such a despair," and the account of the dispatch of April 1782 and its consequences, are from the *Ninth Report of the Select Committee* (25 June 1783), printed in volume VIII of the Nimmo *Works*; the passage on consequences unable to pursue the rapidity of their flight and the cries of India given to seas and winds is from the speech on Fox's East India Bill of 1 December 1783. The standing caution about the Ninth Report as a prosecution document, entered in Module 6, applies here.

The quotations from the memorial to the Supreme Court of 1823 — the hope that Government would encourage the establishment of newspapers in the cities and districts, the preclusion of the natives from making Government acquainted with errors and injustice, and the "Every good Ruler" passage — and the passage from the prospectus of *Mirat-ul-Akhbar*, are reproduced as they appear in the published collections of Indian speeches and documents on British rule; **the memorial has not been consulted in a scholarly edition and the wording should be verified before further use.** The six signatories are given as printed. The attribution of the memorial's authorship to Rammohun Roy is conventional and is stated in the sources as reputation rather than as established fact, and is so treated here. Sophia Collet's description of it as the *Areopagitica* of Indian history is reported at second hand.

The press chronology rests on the standard reference and secondary literature: Bolts's attempted paper of about 1768 and his removal from Bengal; Hicky's *Bengal Gazette* from 29 January 1780 to the seizure of his press on 30 March 1782, with the withdrawal of postal privileges, the libel prosecution, and a circulation estimated at about two hundred; Wellesley's regulations of 1799 requiring submission of proofs, their extension in 1807 and their relaxation in 1818; John Adam's Licensing Ordinance of 14 March 1823, the four-hundred-rupee penalty, the revocability of the licence at pleasure, and the deportation of Buckingham; and Metcalfe's repeal of September 1835. **The dating of individual instruments varies slightly between accounts and none of these has been checked against the regulations themselves.** The description of the *waqianavis* as the Mughal official news-recorder and secret informer is taken from the Bengali reference literature and accords with the treatment in the Mughal study; **the institution's actual operation in Bengal, and the date and manner of its lapse, have not been researched and should be before this finding is built upon.**

Contested figures are given as ranges or with provenance stated. Hicky's circulation of about two hundred is a single secondary estimate. **An account in circulation that Roy's Bengali weekly was closed following an editorial about the death of a man named Pratap Narayan Das under a judicially ordered whipping has been omitted from the text above as unverified.** The claim that the Company's motive in restricting the press was fear of exposure in London appears in several secondary accounts in near-identical wording and is treated here as the received view rather than as documented from the Company's own deliberations; **the minutes of the Supreme Council on the press, one of which of 10 October 1822 is quoted in part in the secondary literature, would settle it and should be sought.**

MODULE 8

In the First Instance, a Politician

Module 8 · Elite Coordination and the Default — a ladder closed into a circuit on one side of a line and capped on the other; a liquid apex that turned out not to be liquid at all; and an arrangement that survived the abolition of the institution holding it

What is being tracked

This module is not about the man in Module 5. It is about the arrangement above him.

The collection's observation is that long-lasting hierarchies are the ones set up so that every person inside them defends the whole thing while intending only to defend his own place in it. Nobody has to like anybody. Nobody has to believe in the enterprise. A man protects the position he holds, because the position is what he has; and because his position exists only as a rung of a structure, protecting it protects the structure. The sum of a great many people each looking after himself is an arrangement defended by default — without conspiracy, without loyalty, and without anyone deciding to defend it.

Some arrangements manage this better than others, and the difference is what makes some hierarchies last three centuries and others three decades. So the questions are: which strata were inside this arrangement; what did each hold; would each have been worse off if the arrangement ended; and — the fracture question — was there any group with standing and means that had stopped benefiting?

The landscape left an open question here that this module has to answer. It observed that this order's apex was not a monarch, a nobility or an army, but a subscription list: several thousand people in London holding a transferable security, who had never seen the territory and could sell on any day the exchange was open. Every default the collection had examined bound men who stood on ground the arrangement had given them. This one appeared to bind men who held a piece of paper. The question was whether that is a weaker tie.

It is not, and the reason is not obvious.

Why the proprietor was not an investor

The best analysis of the Court of Proprietors ever written was produced by a parliamentary committee trying to explain why fifteen years of reform had failed, and it turns on a distinction the reformers had missed.

The Regulating Act of 1773 had tried to improve the General Court by raising the stakes. Before the Act, £500 of stock carried one vote, and no larger holding carried more. After it, no proprietor could vote without £1,000; £3,000 carried two votes, £6,000 three, and £10,000 four; and provisions were added against occasional qualifications and the splitting of votes. The reasoning, as Burke's Ninth Report summarises it, was that an interest would arise in the General Court "more independent in itself, and more connected with the commercial prosperity of the Company" — that money would follow profit, that the vote would become "a secondary consideration, and no more than a guard to the property," and that proprietors would therefore resent anything that depreciated their stock.

Burke's reply is the passage that answers the landscape's question:

> *"The East India Company is not, like the Bank of England, a mere moneyed society for the sole purpose of the preservation or improvement of their capital; and therefore every attempt to regulate it upon the same principles must inevitably fail. When it is considered that a certain share in the stock gives a share in the government of so vast an empire, with such a boundless patronage, civil, military, marine, commercial, and financial, in every department of which such fortunes have been made as could be made nowhere else, it is impossible not to perceive that capitals far superior to any qualifications appointed to proprietors, or even to Directors, would readily be laid out for a participation in that power.* ***The India proprietor, therefore, will always be, in the first instance, a politician****; and the bolder his enterprise, and the more corrupt his views, the less will be his consideration of the price to be paid for compassing them."*

The stock was not held for its yield. It was held because it carried a vote, and the vote carried access to the appointment of the men who would govern a subcontinent — writerships, cadetships, contracts, commands, agencies, residencies. A man who wants a dividend cares what he pays. A man who wants patronage worth ten times the dividend does not, and will pay whatever it takes.

So the apex was liquid in form and entirely illiquid in motive. A proprietor could sell at any time and would not, because what he held was not really the security; it was the standing that the security carried, and there was nowhere else to buy it.

Burke then shows the 1773 reform producing the exact opposite of its intention. Raising the qualification did not attract the commercially minded; it disqualified them, because those with "no very particular interest in their vote or but a petty object to pursue immediately disqualified," while

> *"those who were deeply interested in the Company's patronage, those who were concerned in the supply of ships and of the other innumerable objects required for their immense establishments, those who were engaged in contracts with the Treasury, Admiralty, and Ordnance, together with the clerks in public offices, found means of securing qualifications at the enlarged standard."*

And the consequence for the one channel by which outside opinion could reach the body:

> *"Whilst the votes of the smaller proprietors continued, a door was left open for the public sense to enter into that society: since that door has been closed, the proprietary has become, even more than formerly, an aggregate of private interests, which subsist at the expense of the collective body."*

The circuit

Now the mechanism that makes this the strongest default in the collection, which Burke traces in two sentences and which nobody planned.

> *"The return of the Company's servants into Europe poured in a constant supply of proprietors, whose ability to purchase the highest qualifications for themselves, their agents, and dependants could not be dubious. And this latter description form a very considerable, and by far the most active and efficient part of that body."*

And:

> *"the servants have of late seldom attempted a seat in the direction,—an attempt which might possibly rouse a dormant spirit of inquiry; but, satisfied with an interest in the proprietary, they have, through that name, brought the direction very much under their own control."*

Trace it. A young man is nominated by a Director and sails as a writer. Burke sets out the gradation exactly: writer for five years, then factor for three, then junior merchant for three, then senior merchant, then by rotation to the Board of Trade, and — before 1773 — by seniority to Council and eventually to the government of a

Presidency. He accumulates a fortune from private trade and the emoluments of office. He comes home. He buys stock, and qualifications for his agents and dependants. He votes in the General Court. The General Court elects the Directors. The Directors nominate the next generation of writers and instruct the servants in Bengal — including on how strictly to inquire into the conduct of men who were doing, ten years ago, exactly what he did.

Marshman records the loop closing on the one man who tried to interrupt it. Of Clive's second administration, when he had forced the covenants against presents and cashiered offenders:

> *"The members of the civil service, whose rapacity he had defeated abroad, made large purchases of India stock on their return to England, and became members of the corporation in Leadenhall-street, that they might more effectually wreak their vengeance on him."*

They succeeded. The Court of Directors, Marshman notes, restored almost every civil and military culprit Clive had dismissed for peculation or mutiny.

That is a closed circuit, and it is why it is the strongest default this collection has examined. The Mughal rank-holder of the earlier study was bound tightly, but he was bound *upward* — his worth was a number somebody else kept, and he could never become the keeper. The Company's servant could. **The same individual could occupy every rung of the hierarchy in sequence, ending as one of the electors of the body that had appointed him.** So there was no level whose interest any member failed to internalise, because every member expected in time to hold every level.

Burke understood what the regular gradation was for, and defended it against the Directors who were breaking it:

> *"The order itself is wisely established, and tends to provide a natural guard against partiality, precipitancy, and corruption in patronage. It affords means and opportunities for an examination into character; and among the servants it secures a strong motive to preserve a fair reputation."*

And he identified precisely what happens when the ladder's rungs are jumped — when men are elevated out of order, or brought in from another service, or promoted despite censure. Servants who see this, he wrote,

> *"will despair by any good behavior of ascending to the dignities of their own: they will be led to improve, to the utmost advantage of their fortune, the lower stages of power, and will endeavor to make up in lucre what they can never hope to acquire in station."*

Where the ladder is credible, men invest in reputation; where it is not, they extract from the rung they are standing on. That is a general finding about defaults and it will be needed twice more in this module.

Finally, Burke names the thing that made the whole circuit self-cleaning, in the sense that a sewer is self-cleaning:

> *"the Company's servants have ever since covered over the worst oppressions of the people under their government, and the most cruel and wanton ravages of all the neighboring countries, by holding out, and for a time actually realizing, additions of revenue to the territorial funds of the Company, and great quantities of valuable goods to their investment."*

The proprietors did not have to be deceived. They had to be paid, and they were, out of exactly the conduct any inquiry would have had to stop.

The armed rung

One stratum inside the British hierarchy held its position by a different instrument and tested the arrangement first.

The European officers of the Bengal army held commissions and drew *batta*, the field allowance that Mir Jafar had doubled out of gratitude in 1757 and that the officers had come to regard as a right. When the Directors ordered the double batta abolished from 1 January 1766 — a cut worth a thousand rupees a month to a captain — the officer corps organised: a committee of secrecy in each of the three brigades, an indemnity fund to which discontented civilians in Calcutta contributed more than a lakh and a half of rupees, and an agreement that two hundred officers would resign their commissions on the same day, timed for a moment when a Maratha force was reported moving on Bihar.

Read that as a default event rather than as an anecdote. A group with standing and means found its position devalued and coordinated instantly, across three brigades, with financial backing from a different stratum that had its own grievance. That is exactly what the framework predicts of a group that stops benefiting. It failed only because Clive accepted every resignation, arrested the ringleaders, called up cadets from Madras — and because, as Module 1 recorded, the sepoys marched a hundred miles in fifty-four hours to help him do it.

The instructive part is the resolution. The officers were not conciliated; they were replaced, and the arrangement went on. A default holds against a defecting rung when the rung is substitutable. It is the rungs that cannot be replaced that break arrangements.

The Indian half: who was inside

The order also had an Indian hierarchy, and the module fails if it treats that hierarchy as merely ruled. Substantial numbers of Bengalis held positions in this arrangement that were worth a great deal and that they defended accordingly.

The banian, the dewan, the munshi. Every Company servant needed an Indian agent — to handle his private trade, cover his credit, manage his correspondence, and stand between him and a market he could not read. The men who did this became, in the space of a generation, among the wealthiest people in Bengal, and the arithmetic of their position is the clearest illustration in the case of what a *position* is worth as distinct from a *salary*.

Nabakrishna Deb's official salary in the early 1760s is reported at sixty rupees; in the same period he is said to have spent nine lakhs of rupees on his mother's funeral. When he was elevated to raja and awarded a salary of two thousand rupees, he declined it and accepted two hundred.

Stop on that refusal, because it is the module's central image. A man does not turn down a salary eleven times greater than his old one because he is modest. He turns it down because the salary is not what he holds. What he holds is the standing that makes the salary irrelevant — and being seen to draw a large one might invite the sort of inquiry that would put the standing at risk. The salary was noise. The position was the asset.

The pattern ran for three generations. Ganga Govind Singh ran Hastings's revenue operation and became enormously rich. Dwarkanath Tagore — the same man who signed the press memorial of 1823 — was serestadar to the Board of Customs, Salt and Opium in 1828 and then its dewan for twelve years, while simultaneously lending money to the salt manufacturers whose business he supervised, holding zamindaris in Bengal and Orissa, taking shares in the Union Bank, and putting capital into an export house. Contemporaries read the moneylending as bribery in a different coat; a court acquitted him.

These men are the answer to anyone who imagines the arrangement rested on Europeans alone. It did not. It rested on a substantial Bengali stratum whose entire position — official, commercial and landed at once, each supporting the others — existed because the Company existed, and who would have been ruined by its collapse.

The purchasers. When the sunset law of Module 2 began breaking the old zamindaris, the estates went overwhelmingly to Calcutta merchants, moneylenders and banians, who found land the safest place to put a fortune made in service. And the jotedars and mandals of Module 2 — the rich peasants who actually controlled cultivation — did well out of proprietors who could not collect without them.

By 1830 there was a broad, wealthy, self-reproducing Indian interest in Bengal whose property, credit and social standing all rested on the Permanent Settlement, the Company's courts, and the Company's commercial departments. The default extended across the line, and it held.

The Indian half: where it was capped

And now the fracture, which is exactly where the framework says to look — a group with standing and means that had stopped benefiting.

The sepoy. Burke's audit of 1783:

> *"In this army, nine tenths of which consists of natives, no native, of whatever description, holds any rank higher than that of a Subahdar Commandant, that is, of an officer below the rank of an English subaltern, who is appointed to each company of the native soldiery."*

Set that against Burke's own theory of ladders. Where the gradation is credible, men invest in reputation; where it is not, they extract from the rung they stand on. The sepoy's gradation ran out below the bottom of the European one, permanently, by design. He had standing — high caste, a uniform, an accommodated ritual status the Company had paid to protect — and he had means, in the most literal form available. What he did not have was any further rung.

The Muslim service class. Burke traced its destruction through one line item, as Module 6 recorded: the Nawab's allowance reduced from £420,000 to £320,000 and then to £160,000, on a pretext that outlived its own excuse. His diagnosis of the effect is a default diagnosis:

> *"The people of that persuasion, not being so generally engaged in trade, and not having on their conquest of Bengal divested the ancient Gentoo proprietors of their lands of inheritance, had for their chief, if not their sole support, the share of a moderate conqueror in all offices, civil and military."*

A group whose position *was* office, in an arrangement that closed the offices. No violence, no confiscation, no policy directed at them at all — just a reduced line in an account, and a stratum with standing and no benefit.

The bankers. The house that made the conquest possible was destroyed by it. The Jagat Seths financed Alivardi's coup in 1740, financed and encouraged the conspiracy of 1757, and controlled the mint and the remittance of tribute. In 1763 Mir Qasim had the heads of the family thrown into the Ganges from a bastion at Monghyr. And

thereafter the function itself disappeared: a Company that collected the revenue and shipped it home as cargo had no use for a *hundi* network to Delhi. The single most decisive Indian actor of 1757 held, by 1780, nothing the new arrangement required.

And the ceiling made visible. In 1835 the government honoured Dwarkanath Tagore — probably the richest Indian in Bengal, dewan of a Board, zamindar, banker, partner in a European agency house — with the post of Justice of the Peace, described in the Bengali reference literature as an honorary position *newly opened to Indians*.

That is the cap, stated in a single appointment. Two years after Parliament had enacted that no native of the territories should by reason of religion, place of birth, descent or colour be disabled from holding any place, office or employment under the Company, the highest thing available to the wealthiest Indian in the province was an unpaid magistracy that had just been made available to Indians at all.

The two tests

The arrangement was tested twice within fourteen months, and the two results are different in a way that is the module's most useful finding.

1857. The stratum that rose was the one whose ladder was capped: the high-caste infantry of Awadh and Bihar, whose ritual standing the Company had paid to protect for eighty years, whose promotion stopped below an English subaltern, whose overseas exemption had been withdrawn from new recruits in 1856, and whose home province had been annexed in the same year, removing at a stroke the pensions and the status that service had bought. Of the Bengal army's ten cavalry and seventy-four native infantry regiments, all the cavalry and around forty-five of the infantry mutinied, seventeen more were disarmed on suspicion, and about twelve survived into the reorganised army.

The strata that did not rise, in Bengal itself, were the ones inside the arrangement: the zamindars created in 1793 and the men who had bought their estates at auction, the banians and dewans, the Calcutta commercial interest, the jotedars. Bengal proper — the province this study is about — was comparatively quiet, and the reason is not mysterious. Everyone in Bengal with standing and means had a position that the Company's continued existence secured.

1858. And then the arrangement was tested from the other direction, and the result is the finding.

Parliament abolished the East India Company as a governing body. And not one member of the British hierarchy lost his position.

The covenanted civil service continued, under a new name, doing the same work in the same districts under the same regulations. The army was reorganised and its

European officers kept. East India House was sold and most of the Company's employees were pensioned. And the proprietors — the apex whose liquidity the landscape had wondered about — were not expropriated at all. Section XLII of the Government of India Act 1858 provided that the dividend on the Company's capital stock secured by the Act of 1833, together with all its bond and territorial debt and all sums that would have been payable by the Company,

> *"shall be charged and chargeable upon the Revenues of India alone, as the same would have been if this Act had not been passed."*

The shareholders went on drawing a guaranteed dividend of ten and a half per cent, charged by statute on the taxes of the country the Company had governed, for another sixteen years. The corporation survived in what one modern description calls a zombie condition, existing for no purpose but the distribution of an annual dividend, until the East India Stock Dividend Redemption Act of 1873 bought them out — offering, on the accounts of the parliamentary debates, a capital sum or an equivalent in government annuities — and the Company was dissolved on 1 June 1874.

Nobody fought. There was nothing to fight about. **Every position in the British half of the hierarchy was transferred intact to a new sovereign, and the men holding those positions were therefore entirely indifferent to which sovereign held them.**

Reading the default against the framework

Four refinements. This module and the next are where the collection has most to gain, and the findings here are stated at full strength.

First — and this is the module's principal contribution — the strength of a default is set by whether the ladder closes into a circuit: whether a man at the bottom can expect, within one lifetime, to sit in judgment on the position he currently occupies.

The Mughal default of the earlier study was strong because every rank-holder's worth was a number in a register and he benefited from being high in it. But it was strong in one direction only: he could rise, and he could never become the issuer. The pen stayed at the apex.

The Company's default was stronger, and the difference is structural rather than moral. A writer landing at Calcutta at seventeen could reasonably expect to be a senior merchant, then a member of Council, then to come home with a fortune, then to buy stock and vote in the General Court, and then to be one of the twenty-four men who

nominated writers and instructed governors. Burke documents each step and documents the loop closing. The consequence is that no rung's interest was external to anybody: every member of the hierarchy had held, or expected to hold, every other position in it, and defending any one of them was defending the sequence.

The diagnostic question to put to any hierarchy is therefore not "does each man benefit?" but "does the ladder return?" Where it returns, the arrangement will be almost impossible to reform from within, because every potential reformer is a future beneficiary of the thing to be reformed and every present beneficiary was once the man the reform would have caught. Burke's committee discovered this the hard way across fifteen years of failed statutes, and his explanation of why the 1773 reforms produced the opposite of their intention is the best evidence the collection has that the mechanism is real.

Second: the liquidity of a stake tells you nothing about the strength of a default until you know what the stake is held *for*.

The landscape asked whether an apex composed of transferable shares generates a weaker default than one composed of land. Burke's answer is that the question is wrongly framed. East India stock was liquid, and it was not bought for its yield: "a certain share in the stock gives a share in the government of so vast an empire, with such a boundless patronage... The India proprietor, therefore, will always be, in the first instance, a politician."

A share that carries a vote in a government is not a security. It is an office with a market price — and the man holding it behaves as an officeholder, not as an investor, because the thing he would lose by selling is not recoverable anywhere else at any price.

The corollary is the practical one and it is a warning to reformers. The 1773 attempt to make the proprietary more commercially minded, by raising the qualification, drove out precisely those whose interest was commercial and concentrated the body in the hands of those whose interest was political — contractors, suppliers, placemen, and returning servants buying qualifications for their dependants. **Raising the price of a stake filters for the motive that is willing to pay most, and where a stake carries patronage that motive is never the dividend.**

Third: the cap is where the fracture comes, and a cap crossed by money holds far longer than a cap crossed by rank.

Both halves of this hierarchy had ceilings, but they were made of different materials.

For the banian, the dewan, the auction purchaser and the jotedar, the ceiling was on *office* and it did not bind, because wealth was available without limit and wealth was what they wanted. Nabakrishna Deb declining a two-thousand-rupee salary is the whole mechanism in one gesture: the position generated the income, and the income

was the point, and no rank was required to enjoy it. That stratum defended the arrangement for a century and did so rationally.

For the sepoy, the ceiling was on *rank*, and rank was exactly what he had enlisted for. He could not accumulate his way past it, and Burke's own principle predicts what a man does when the gradation above him is closed: he stops investing in advancement and starts extracting from the rung he is on — or, when the rung itself is devalued, he defends it by the means to hand.

Where an order caps a subordinate stratum, the cap's durability depends on whether the good the stratum actually wants lies above or below the line. Wealth below the line and office above it produces a stable collaboration. Rank above the line, in a group recruited for rank, produces a fuse.

And the fuse the Bengali case lit is the one Module 9 must now examine, because by 1835 the two categories had begun to converge: the sons of the wealthy collaborating stratum were being educated in English, Parliament had promised in statute that colour would disable nobody from office, and the highest position available to the richest Indian in the province was an honorary magistracy newly opened to Indians. **A stratum that has accumulated all the wealth available and is then formed to want office is a capped stratum, whatever its bank balance.**

Fourth: a default defends the arrangement, not the institution — and this is the same finding as Module 1, running in the opposite direction.

Module 1 found that the Mughal elite's default, built to bind men to an emperor, transferred intact to a foreign corporation the moment the corporation could credibly issue the ranks. The default did not defend the incumbent; it defended the office of issuer, and it went to whoever held the pen next.

1858 is that mechanism observed from inside the Company. Parliament abolished the corporation, and the corporation's entire hierarchy — servants, officers, pensioners and proprietors alike — offered no resistance whatever, because every position was carried over. The civil service became the ICS. The officers kept their commissions. The employees got pensions. And the shareholders kept their ten and a half per cent, charged by statute "upon the Revenues of India alone," which is to say that the apex of this order was bought out of the taxes of the conquered and went on being paid out of them for sixteen years after the conquest had changed hands.

A default is loyalty to a position, and a position is transferable. An order that has built a strong default has not thereby made itself durable; it has made the *arrangement* durable, and the arrangement can survive the order's abolition perfectly intact provided the successor sovereign assumes the positions. The Company's default

was the strongest in this collection and it did not buy the Company a single day of existence in 1858, because nothing in it was about the Company.

This has a sharp implication for the module on collapse, which should not be pre-empted here but must be flagged. If the default was that strong and that indifferent, then whatever ended the Company was not a failure of elite coordination. The elite coordinated superbly, right through the transition, and coordinated themselves onto the other side of it.

A note on sources. The analysis of the Court of Proprietors is quoted directly from the *Ninth Report of the Select Committee of the House of Commons on the Affairs of India* (25 June 1783), written by Edmund Burke, in volume VIII of the Nimmo *Works*, a public-domain text consulted directly: the terms of the 1773 change in qualification from £500 to £1,000 with graduated votes to four at £10,000; the reformers' reasoning; the "not, like the Bank of England" passage and "in the first instance, a politician"; the disqualification of the petty interests and the qualification of contractors, suppliers and clerks; the closing of "a door... for the public sense to enter into that society"; the return of servants as proprietors and their control of the direction through the proprietary; the gradation of the service from writer to senior merchant and the defence of the regular order; the passage on servants who "despair by any good behavior of ascending to the dignities of their own"; the passage on the servants covering over oppressions by holding out additions of revenue and goods to the investment; the audit of native rank in the army; and the account of the Nawab's allowance. The standing caution entered in Module 6 applies: this is a prosecution document produced in a political campaign, and its figures are the Committee's readings of Company records.

The account of the officers' combination of 1766 over the double *batta*, and the passage on Clive's enemies purchasing India stock in order to wreak their vengeance on him, are from John Clark Marshman's *History of India* (1867), public domain, with the cautions about Marshman's partisanship entered in Module 1.

Section XLII of the Government of India Act 1858 is quoted from the statute text. **The figures for the redemption of 1873–74 — a dividend of ten and a half per cent on capital stock given in the secondary literature as about £3.2 million, and the options offered to stockholders — reach this study at second hand and should be verified against the East India Stock Dividend Redemption Act 1873 before use.** One resemblance is worth recording and *not* asserting: £3,200,000 is also the figure given for the government's total debt to the United Company under the settlement of 1708–09 that first pledged the monopoly as security. Whether the two figures are

connected, coincidental, or an artefact of the secondary sources has not been established and should be checked before anything is made of it.

Modern scholarship and reference literature are paraphrased and credited: Banglapedia for Dwarkanath Tagore's career as serestadar and dewan to the Board of Customs, Salt and Opium, his moneylending to salt manufacturers, the accusation and acquittal, his Union Bank shareholding, and his appointment as Justice of the Peace in 1835 in a position "newly opened to Indians"; Blair Kling's study of Tagore and P. J. Marshall's work on masters and banians in eighteenth-century Calcutta for the banian relationship generally; and the literature on the consolidation of the Bengali service castes for the pattern of banian fortunes and their investment in zamindari at the revenue auctions.

Contested figures are given with provenance stated. **Nabakrishna Deb's salary of sixty rupees, the nine lakhs spent on his mother's funeral, and his refusal of a two-thousand-rupee salary in favour of two hundred all reach this study through a single secondary chain citing Jogendra Nath Bhattacharya, and should be traced before being quoted again.** The report that Ganga Govind Singh spent twenty lakhs on his mother's *shraddh* during the famine appears in journalistic accounts and is **omitted from the argument above as unverified.** The Bengal army figures for 1857 are the conventional ones, as flagged in Module 4. The claim that Bengal proper was comparatively quiet in 1857 relative to the North-Western Provinces and Awadh is the received view and is stated as such; the eastern Bengal detachments did mutiny, and the module on collapse will need to establish the geography properly rather than relying on the general impression used here.

MODULE 9

Destroyed by Their Reconciliation

Module 9 · Plurality or Foreclosure — a court created by one faction's quarrel with another and extinguished when they made peace; a durable protection that survived because the men who administered it were paid for it; and the bypass built alongside it twenty-five years later

What is being asked

There is a state apparatus. Does anything stand between a person and it?

The collection's position on this is not sentimental. Liberties are not conferred by rulers out of decency and they are not won by peasants. They are residue. Somewhere inside the hierarchy a faction with standing and means found itself losing, and bargained; the other side, not wanting to wreck the arrangement, conceded something; and the concession, once written down, outlived the quarrel that produced it and became available to people who had no part in it. So the method is: find a protection, then find the factional fight it fell out of.

This case adds a second question, because Bengal between 1765 and 1858 lost protections as well as gaining them, and the losses are as traceable as the gains. Some things a person in Bengal could do in 1760 he could not do in 1830, and each of those closures also has a faction behind it.

And the apparatus itself has to be described before the question means anything. By 1800 a resident of Bengal faced: a Collector with the revenue power; a Magistrate; a *daroga* with an armed constabulary in every police jurisdiction of about twenty miles; a Board of Revenue; a hierarchy of civil courts; a criminal court of circuit; a salt department with informers and a criminal penalty for private manufacture; an army approaching two hundred thousand men; and — under Regulation VII of 1799 — a zamindar entitled to seize his crops and cattle and confine his person without troubling any of the above.

That is a formidable apparatus. What stood against it?

The first protection, and its exact death

In 1773 Parliament created, by royal charter, a Supreme Court of Judicature at Fort William, staffed by a Chief Justice and three puisne judges appointed by the Crown

and paid out of the revenues of the country. Burke's Ninth Report states its purpose without ambiguity:

> *"The third object was a new judicial arrangement, the chief purpose of which was to form a strong and solid security for the natives against the wrongs and oppressions of British subjects resident in Bengal."*

Where it came from. Not from Bengal, and not from anyone's conscience. It came from the crisis of 1772, when the Company — having taken the revenue of three provinces seven years earlier — went to the government asking for a loan of £1.4 million, and Parliament, in return for the money, opened the books. Burgoyne's committee and the Secret Committee reported; the reports were damning; and the Regulating Act of 1773 was the price. A faction with standing and means (Parliament, holding the redemption clause of 1709 and now the Company's solvency as well) had leverage over another faction (the Company) which did not want the arrangement destroyed. The residue that fell out of that bargain was a court in Calcutta whose judges the Company could not appoint, dismiss or instruct.

That is the framework's mechanism operating exactly as specified, and the beneficiary — an Indian with a grievance against an Englishman — was not at the table and did not know the negotiation was happening.

What it delivered. Burke's committee, having had the court's constitution and conduct before it for years, reported:

> *"they have not yet been able to discover very few instances (not one that appears to them of leading importance) of relief given to the natives against the corruptions or oppressions of British subjects in power,—though they do find one very strong and marked instance of the judges having employed an unwarrantable extension or application of the municipal law of England, to destroy a person of the highest rank among those natives whom they were sent to protect."*

The instance was Maharaja Nandakumar, tried for forgery and hanged in 1775. Burke supplies the fact that makes it a case about liberty rather than a case about forgery:

> *"The sufferer (the Rajah Nundcomar) appears, at the very time of this extraordinary prosecution, a discoverer of some particulars of illicit gain then charged upon Mr. Hastings, the Governor-General."*

And then the structural point, which is the most useful sentence in the report on this subject:

> *"one example of this kind must do more towards deterring the natives from complaint, and consequently from the means of redress, than many decisions favorable to them, in the ordinary course of proceeding, can do for their encouragement and relief."*

A protection is not a set of outcomes; it is a belief about what will happen if you use it. One high-profile demonstration that the instrument can be turned against the complainant destroys more access than a hundred quiet favourable judgments create. Burke's summary verdict is accordingly flat: "the court has been generally terrible to the natives, and has distracted the government of the Company without substantially reforming any one of its abuses."

Why it failed as designed. Burke identifies the drafting defect precisely, and it matters because it is the difference between a protection and a hazard. No rule was laid down by which the court was to judge; no offences or species of delinquency were specified according to the nature of the place; and English practice was imported wholesale into a country where the ordinary English remedy against abuse of power — a civil action tried by a jury — had been stripped of the jury. "Both these," Burke notes of the finding of offence and the assessment of damages, "were in the charter of justice left entirely to the judges."

The reason given was that Indians were presumed incapable of serving as jurors, a presumption Burke calls "perhaps a little too hastily" made, and against which he records his committee's own finding:

> *"Your Committee, on full inquiry, are of opinion that the use of juries is neither impracticable nor dangerous in Bengal."*

That is a parliamentary committee, in 1783, stating that Bengalis could sit on juries. Hold it for later in this module.

And then the death, which is the module's central finding. Judge and Council fell into open war over jurisdiction — the Patna case, and then the Cossijurah affair of 1779–80, in which the Court sent officers to enforce process against a zamindar and the Council sent troops to obstruct them. Burke:

> *"This authority, calling in the military arm, (by a most dangerous example,) overpowered, and for a while suspended, the functions of the court;* ***but at length those functions, which were suspended by the quarrel of the parties, were destroyed by their reconciliation****, and by the arrangements made in consequence of it. By these the court was virtually annihilated; or if substantially*

it exists, it is to be apprehended it exists only for purposes very different from those of its institution."

The arrangements were the Amending Act of 1781 — the Act of Settlement — which removed revenue matters and the official acts of Company servants from the Supreme Court's reach and settled the constitutional contest decisively in favour of the executive.

Read the shape of that. The protection was created by a fight between two powers. It functioned, to the extent it functioned at all, only while they were fighting. And it was extinguished not by defeat but by **peace** — by Westminster stepping in to end a quarrel that had become embarrassing, and ending it by giving the executive what it wanted.

A liberty that exists in the gap between two factions of the hierarchy has a life expectancy equal to the gap.

The second protection, which lasted

Twelve years later a different instrument was made and this one survived until independence.

On 1 May 1793 Cornwallis promulgated forty-eight regulations. Module 2 examined the first of them. The judicial regulations are a separate matter and constitute the most substantial protection created in Bengal under the Company.

The Collector was stripped of judicial power. The *mal adalats* — the revenue courts, where the man who assessed you also judged your appeal — were abolished, and revenue disputes went to the ordinary civil courts. A hierarchy of courts ran from *munsifs*, who were Indians, hearing suits up to fifty rupees, through Indian registrars up to two hundred, to district judges who were English and sat with Indian assessors, and thence to four provincial courts of appeal and the Sadar Diwani Adalat. Above about five thousand pounds an appeal lay to the King in Council in London.

And then the provision that matters most. Regulation III extended the jurisdiction of the district civil court to **the Collector and other executive officers of the government**, made them answerable in that court for acts done in their official capacity, and made them liable to compensate a party injured by a breach of the regulations. The Indian legal literature describes this, correctly, as the introduction of judicial control over executive action in India.

An Indian could sue an English Collector, in a court, and recover.

Where it came from. Again, a factional settlement, and this time the terms are visible. The reforming party in London had won: Pitt's Act of 1784 had put a Board of

Control over the Company; the impeachment of Hastings was running; and Cornwallis had been sent out as an aristocrat with no Company interest and instructions to clean the service. What the servants got in the bargain was substantial — the Cornwallis Code divided the service into revenue, judicial and commercial branches, forbade private trade to the first two, and compensated them with a new and generous scale of pay. Which is to say the men who had been making fortunes by the mechanism Module 6 described were bought out of it with salaries and security of tenure.

Why this one lasted and the other did not. The Supreme Court's protective jurisdiction was a truce term imposed on a party that had never wanted it and was extinguished the moment that party's quarrel was settled. The 1793 judicial regulations were part of a bargain in which every faction inside the hierarchy received something it valued: the Directors got a service they could discipline and a revenue they could predict; the servants got salaries, rank and an end to the chaos that had nearly bankrupted the Company; Parliament got a system it could defend in the Commons. The protection was bundled with the payment.

The test of a liberty's durability is not who it protects. It is whether the people who have to administer it were paid for administering it.

And who used it. Not the class it was designed around. Module 2 recorded more than thirty thousand rent suits pending in Burdwan alone by 1798. Module 5 recorded ryots petitioning against Debi Singh before they rose, and indigo cultivators in 1859 flooding officials with petitions against named planters. Module 7 recorded six Bengali gentlemen filing a memorial in the Supreme Court in 1823 and appealing to the King in Council when it failed. The courts were slow, costly, conducted in an alien form, and frequently useless. They were also used, constantly, by people who had every reason to know their limitations, which is the strongest evidence available that they were not nothing.

The third protection: the press, 1835

Module 7 traced the chronology. The instrument that matters here is Metcalfe's Act of September 1835, repealing the Licensing Regulations of 1823 and requiring only a declaration of printer, publisher and premises.

Where it came from. An English liberal faction — Metcalfe as acting Governor-General, Macaulay on the Council — acting in the same year as the English Education Act, against the settled instincts of the Company's own government, which had restricted the press in one form or another for thirty-six of the preceding fifty-five years. It was not granted to Bengalis; Bengal was not consulted. It was the by-product of a

moment when a particular set of Englishmen held the executive and believed a particular set of things.

The residue was an Indian-language press, which by the 1850s was substantial and which the Bengali reference literature notes was warning the government of rural discontent that the government was not otherwise hearing.

The promise that was words

Section 87 of the Charter Act of 1833 provided that no native of the territories should, by reason only of religion, place of birth, descent or colour, be disabled from holding any place, office or employment under the Company.

Where it came from. A parliamentary fight over the charter's renewal in which the Company was the weakest party — free traders wanting the China monopoly ended, evangelicals wanting missionary access, utilitarians wanting codification. Module 3 established the general finding: this order's public commitments were largely drafted by its critics, and arrived without the qualifying clauses an order writes for itself. Section 87 has no proviso.

What it delivered under the Company: effectively nothing at the level that mattered. The same Act attempted to introduce open competition for writerships and the provision was negated by the Court of Directors, who kept the patronage; Haileybury went on nominating and training the covenanted service until 1858. Module 8 recorded the ceiling in its most explicit form: in 1835, two years after section 87, the honour available to the wealthiest Indian in Bengal was an unpaid magistracy described as newly opened to Indians. Burke's finding of 1783 — that in an army nine-tenths Indian no Indian rose above a rank below an English subaltern — was still true in 1857.

The first Indian to enter the covenanted civil service did so in the early 1860s, after the Company had ceased to exist; the usual name given is Satyendranath Tagore, and the date should be verified before it is relied on.

So for the whole of the Company's remaining life, section 87 was words on paper. The framework's interest is in what happens to such words afterwards, and this module can only record that they were on the statute book, in the order's own founding instrument, without qualification, available to be read aloud by anyone who could read English — which, by 1835, an increasing number of Bengalis could.

What was lost

Now the other half, which this case requires and which the framework has not systematically tracked.

The audience. Module 3 established it and dated it: the *bar-am*, twice weekly, two hours, through which the meanest petitioner could physically walk up to the ruler, imitated by viceroys and governors "down to Mir-cassim-khan." A right of direct approach, abolished with the government that maintained it, never replaced by anything.

The Supreme Court's protective jurisdiction. 1781, as above.

The cultivator's written engagement. Regulation VIII of 1793 required zamindars to issue *pattas* specifying a tenant's holding and rent. Regulation V of 1812 relaxed the term. Regulation VIII of 1819 made issuing them discretionary. **A protection granted by an order in 1793 was dismantled by the same order over twenty-six years, at the request of the class it had made proprietors, on the argument that the cultivator's documentary right infringed their property.** And in the middle of that sequence, Regulation VII of 1799 gave those proprietors power to seize the cultivator's crops and cattle and confine his person **without a court's permission** — which is to say, in the same decade in which Cornwallis subjected the Collector to judicial control, the Company exempted the zamindar from it.

The right to make salt. Criminalised, with imprisonment, under a monopoly whose incidence Module 5 measured.

The press, twice. 1799 to 1818, and 1823 to 1835.

And the jury. Burke's committee reported in 1783 that Indian juries were neither impracticable nor dangerous. In 1826 Parliament passed a Jury Act under which Europeans might sit on juries trying Indians while Indians might not sit on juries trying Europeans. Rammohun Roy petitioned against it. Forty-three years separate the parliamentary finding that Bengalis could judge from the statute providing that they could not judge Englishmen.

The bypass

And then the instrument that pairs with the Cornwallis Code and is the module's second finding.

On 7 April 1818 the Bengal government enacted Regulation III — the State Prisoners Regulation. Its preamble states its own purpose with a candour that requires no commentary:

> *"Whereas reasons of State ... occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper..."*

A person could be detained indefinitely, by warrant of the government, on suspicion, without charge and without trial. The only procedural obligations were internal: the officer holding him was to report twice a year, on 1 January and 1 July, on the prisoner's conduct, health and comfort, so that the government might decide whether to continue the order.

Set the dates side by side. In 1793 this order made its executive officers answerable in court to the people they governed. In 1818 the same order created a channel by which the same government could imprison any of those people indefinitely, expressly and in terms because there was no sufficient ground for a judicial proceeding.

Regulation III of 1818 is not a suspension of the courts. It is a **parallel track**, built alongside them, permanently, requiring no emergency and no declaration. And it proved by far the most durable legal instrument examined in this study: it outlived the Company by ninety years, was used extensively into the twentieth century, and survives in amended form on the statute book of Bangladesh.

The complication: liberties that run the other way

One category resists the module's frame and has to be recorded rather than smoothed over.

In December 1829 Bentinck's government enacted Regulation XVII, declaring the burning or burying alive of Hindu widows illegal and punishable. It came out of a factional alignment that crossed the colour line in both directions: an evangelical and utilitarian Governor-General, supported by a Bengali reform faction around Rammohun Roy which had been campaigning for years, against an orthodox Bengali faction which organised as the Dharma Sabha and appealed to the Privy Council in London — where, on the usual accounts, the appeal was dismissed in 1832.

Every element of the framework's mechanism is present: factions, standing, means, bargaining, residue. But the liberty created does not restrain the apparatus. It restrains the family and the community, and it was granted by the apparatus at no cost to itself.

That distinction deserves to be carried into the framework, because a colonial order will grant such liberties readily and they will be pointed to afterwards as evidence of protections that did not exist. **Classify each liberty by whom it constrains.** A liberty against the community tells you nothing about whether the state is restrained; it may

indicate the opposite, since an order that has split the governed has strengthened itself. That the widow's protection was also real, and was fought for by Bengalis at real cost, is simultaneously true, and both facts belong in the record.

Reading plurality and foreclosure against the framework

Four refinements. This module and the last are where the collection had most to gain, and these are stated at full strength.

First — and this is the module's principal contribution — a liberty that exists in the gap between two factions dies of their reconciliation, not of their defeat, and Burke names the mechanism in a single clause.

The Supreme Court's protective jurisdiction was made by a quarrel between Parliament and the Company in 1772–73, and it worked — to the small extent it worked — while the Court and the Council were at open war in Calcutta, to the point of troops being sent against the Court's officers. It was extinguished in 1781 when Westminster stepped in and settled the war. Burke's formulation is exact: the functions "suspended by the quarrel of the parties, were destroyed by their reconciliation."

The framework's existing position is that liberties are residue from factional fights. This case adds the necessary second half. **Residue is only stable if the two factions remain in tension.** Where a protection is not a bargained concession but a *by-product of ongoing conflict* — where the protected party is benefiting from two powers watching each other rather than from anything either power agreed to give — the protection is contingent on the conflict continuing, and any settlement between the powers will consume it.

The research instruction follows directly. **Do not ask whether a protection is written down. Ask what would happen to it if the two parties presently in tension made peace tomorrow.** Where the answer is that it would vanish, the protection is not a liberty; it is a side-effect, and it is safest to date its expiry to the next settlement between its guarantors.

Second: a protection survives in proportion to whether the people obliged to administer it were paid for administering it.

Two protections were created in Bengal twenty years apart by comparable factional processes. One lasted seven years; the other lasted a hundred and fifty-five.

The difference is not their drafting and it is not their generosity. It is that the Cornwallis Code's judicial control over the executive came bundled into a settlement in which the Company's servants received something they wanted badly — generous salaries, security of tenure, a ranked career, and release from the private-trade scramble that had come near to destroying the Company and their own fortunes with it. The

men who had to submit to being sued had been compensated for submitting. The Supreme Court's jurisdiction, by contrast, was imposed on an executive that received nothing for it, resisted it with troops, and destroyed it at the first opportunity.

Where a protection is imposed on a faction, it lasts until that faction is next in a position to bargain. Where it is bought from a faction, it lasts as long as the payment does. This is the more useful formulation of the collection's existing point, because it identifies what to look for in the archive: not the language of the protection but the *consideration* on the other side of it.

Third: where an order creates a genuine legal protection, look for the parallel track that renders it optional — and expect it to be built by the same hands, defended by the same people, and to outlive the protection.

The Cornwallis Code made executive officers answerable to courts in 1793. Regulation III of 1818 provided that a person could be confined indefinitely, without charge, precisely and by its own preamble *because* there was not sufficient ground to institute a judicial proceeding against him. The two are not in contradiction; the second is the answer to the first, and it was permanent rather than emergency legislation.

The same pattern appears twice more in the same period. Regulation VII of 1799 exempted the zamindar's coercion of the ryot from any court's supervision six years after Regulation III of 1793 had subjected the Collector's coercion to it. And the *haftam* survived the *patta* by more than half a century.

An order does not usually abolish the protections it has created. It builds beside them. So the question to put to any legal order is not what its remedies are, but what proportion of the coercion it actually applies runs through them — and the answer is discoverable, because bypasses have to be legislated too and therefore leave a text. Regulation III of 1818 is a nine-paragraph document that outlasted the East India Company, the Crown's Indian Empire, and the partition of the subcontinent.

Fourth: liberties must be classified by whom they constrain, because an order grants those constraining the community far more readily than those constraining itself, and the two are routinely counted together.

The prohibition of *sati* in 1829 was a real protection, fought for by Bengalis, resisted by Bengalis, and settled by an appeal to the Privy Council. It constrained families. It cost the government nothing and it divided the governed, which is a benefit rather than a cost to a foreign order.

Against it stands the fact that in the same decades the same government criminalised private salt manufacture, licensed the press, made the cultivator's written engagement

discretionary, exempted the zamindar's coercion from judicial supervision, and enacted indefinite detention without trial.

When auditing whether an order permitted liberty, sort its grants into those which bind the apparatus and those which bind the subject population's own institutions, and count only the first. The second may be admirable, may be substantively good, and tells you nothing whatever about whether anyone was protected from the state.

A closing note of discipline. The verdict of this module is not that nothing was gained. Something was: a rule that an executive officer could be sued by the person he had wronged, in an ordinary court, for damages; Indian judges at the base of the civil hierarchy from 1793; a press that after 1835 required only a declaration; and a sentence in a statute of 1833 saying that colour disabled nobody, which was untrue in practice for the whole of the Company's remaining life and was nonetheless on the statute book. Set against that: an audience abolished, a court neutered, a jury withheld against a parliamentary committee's own finding, a cultivator's written right legislated away at his landlord's request, a necessity made criminal to produce, and a power of indefinite detention created in 1818 that was still being used in 1927.

Both columns are real, and the honest summary is that Bengal under the Company acquired the *form* of legal protection against the executive, in a genuinely novel and durable instrument, together with a permanent standing exemption from it. What it did not acquire, at any point, was any political liberty at all: no vote, no assembly, no representative body, no participation, and no right of approach to the government of the kind the order it replaced had maintained twice a week for two hours.

A note on sources. The passages on the Supreme Court are quoted directly from the *Ninth Report of the Select Committee of the House of Commons on the Affairs of India* (25 June 1783), in volume VIII of the Nimmo *Works* of Burke, a public-domain text consulted directly: the statement of the court's purpose; the finding of very few instances of relief; the "unwarrantable extension or application of the municipal law of England" and the observation about Nandakumar being a discoverer of illicit gain charged upon Hastings; the deterrence passage; the verdict that the court was "generally terrible to the natives"; the absence of any rule by which the court was to judge and the withholding of the jury; the committee's finding that juries were "neither impracticable nor dangerous in Bengal"; and the passage on the functions suspended by the quarrel and destroyed by the reconciliation. The standing caution entered in Module 6 applies: this is a prosecution document.

The preamble of the Bengal State Prisoners Regulation III of 1818 (7 April 1818) is quoted from the compiled text. **The compiled versions in circulation carry later**

amendments in brackets — the words "connected with defence or foreign affairs, or with the maintenance of public order" are substitutions of 1850 and after — and the quotation above has been reduced to what appears to be the original wording; it should be checked against the Regulation as enacted. The requirement of half-yearly reports on the prisoner's conduct, health and comfort, and the Regulation's survival in Indian use into the twentieth century and on the Bangladesh statute book, are from the same compiled sources.

The judicial provisions of the Cornwallis Code of 1 May 1793 — the stripping of the Collector's judicial power, the abolition of the *mal adalats*, the hierarchy of courts from Indian *munsifs* and registrars upward, the Indian assessors in the district courts, the appeal to the King in Council above about £5,000 under the Act of Settlement 1781, and above all Regulation III's extension of the district court's jurisdiction to the Collector and other executive officers with liability to compensate injured parties — are drawn from the Indian legal-historical literature and reference sources; **none of these regulations has been consulted in its own text and Regulation III of 1793 in particular should be read before its provisions are relied on further, since it is the strongest protection identified in this study.** The account of the Amending Act of 1781 as settling the contest decisively in favour of the executive, and of the Patna and Cossijurah affairs, rests on the same literature together with Burke's narrative.

The press chronology is as in Module 7, with the cautions there entered. Section 87 of the Charter Act 1833 is quoted in Module 3 and referenced here. **The statement that the first Indian entered the covenanted civil service in the early 1860s, and the name usually given, has not been verified by this study and is flagged in the text.** The Jury Act of 1826 and Rammohun Roy's opposition to it reach this study through secondary accounts of Roy's career and **should be checked against the Act.**

The abolition of *sati* by Regulation XVII of 1829, the role of Rammohun Roy and of the orthodox Dharma Sabha, and the dismissal of the Privy Council appeal in 1832 are given on the standard accounts; **the Privy Council proceedings have not been consulted and the date should be verified.**

Contested figures are given with provenance stated. The figure of about two hundred thousand for the Company's armed forces around 1800 is an order of magnitude drawn from the general literature and is not a muster return. The thirty thousand pending rent suits in Burdwan in 1798 carries the same caution entered in Modules 2 and 5.

MODULE 10

The Dissolution of the Whole Bengal Army

Module 10 · Change and Collapse — a rising by the state's own armed servants, crushed by the state's other armed servants; a province that supplied the spark and declined to burn; and an apex removed by administrative act under a clause drafted in 1709

The prohibition this module has to test

The collection's account of change is a quarrel with the story everyone is taught. Structural change does not come from below, because a durable order is an armed settlement and an armed settlement can only be altered by those who command organised force. The common man commands none. He is present at every opening — as soldier, as crowd, as the weight one broken faction swings against another — but never as its author. A rising against an intact floor is crushed with a regularity approaching a law.

Change comes instead through four cracks in the floor itself: the elite **fractures** and one faction arms the people against the other; the elite **exhausts** itself in war and must pay the survivors; it is **conquered** by a rival elite and remade at bayonet-point; or it **overbreeds**, seating fewer claimants than it produces until its surplus turns revolutionary and leads the crowd as fuel.

Against this the honest objection is granted in advance: the pressure from below is a real cause even where it is never the proximate agent, because the credible threat of a rising is what forces a cornered elite to widen the settlement rather than fight on.

Bengal is an unusually good test of all of this, because the case contains its own controls. Within four years, in the same territory, under the same government, two mass movements of cultivators occurred with entirely different outcomes; and between them the largest armed rising in the Company's history was made by people who were not cultivators at all.

The control case: a rising against an intact floor

Begin with what the framework predicts, because the case supplies it two years before the event everyone remembers.

In 1855 the Santhals of the western uplands rose — against the moneylender, against the local landholder, and against the government that enforced both. It was a

genuine mass movement, led by men from the community, with numbers, with grievance, and with the whole apparatus of Module 5's cost column behind it: debt, dispossession, and no exit.

It was destroyed. The suppression is reckoned in the thousands to the low tens of thousands of dead on figures this study has not verified and will not adopt, and the framework's verdict is the same whichever end of the range is right. There was no fracture above them. The floor was intact. The rising met organised violence under unified command, and organised violence won.

That is the law of the collection demonstrated inside this case, in the same decade, in the same province, against the same army — which is what makes what happened next so useful.

Who rose in 1857, and what he was

The largest armed rising in the Company's history began in Bengal on 26 February 1857, when the 19th Bengal Native Infantry at Berhampore refused a cartridge drill. The regiment was disbanded. On the afternoon of 29 March, at Barrackpore outside Calcutta, a sepoy of the 34th Bengal Native Infantry named Mangal Pandey walked the parade ground with a loaded musket, calling on the men to rebel. He wounded the regiment's adjutant, was overpowered, shot himself, was tried and hanged on 8 April. The jemadar who had commanded the guard was hanged on the 21st. Seven companies of the 34th were disbanded on 6 May. On 10 May the garrison at Meerut mutinied, and on the 11th the rebels were in Delhi.

Now describe the man precisely, because everything the framework has to say about this event turns on his description.

Mangal Pandey was not a peasant. He had been a peasant's son, and that is a different thing. He had enlisted in the Company's Bengal Army in 1849. He was a salaried, uniformed, drilled and armed servant of the state, holding a position in the state's own coercive apparatus, with a pension in prospect. He was a Brahmin from the Ceded and Conquered Provinces, recruited from the high-caste Purbiya stratum of Awadh and Bihar that Module 1 identified as the labour market out of which this order's floor had been hired since the 1770s. And Module 4 established what the Company had spent eighty years doing for men like him: paying to protect a ritual standing higher than most of them could have maintained in civil life — separate messing, recognised festivals, exemption from the sea and the lash, low-caste enlistment restricted in 1855.

Module 8 then identified him as the fracture point, in the framework's own terms: a group with standing and means whose ladder was capped. Burke had audited the cap in

1783 — in an army nine-tenths Indian, no Indian rose above a rank below an English subaltern — and it was still true seventy-four years later. And in 1856 two things happened to his terms at once. The General Service Enlistment Act required new recruits to serve overseas, which serving men reasonably read as a signal. And Awadh was annexed, removing at a stroke the pensions, standing and legal privileges that service in a foreign state had bought the men recruited from it.

This is elite fracture in the collection's precise sense: not the ruled rising, but the floor of force dividing against itself. The Company's floor was hired, and Module 1's finding was that a hired floor is reliable on terms written in the pay ledger rather than in anybody's conscience. In 1856 the order broke the terms. In 1857 the floor read a rifle cartridge through a framework the order had paid to keep intact and could not correct, and the contract lapsed.

Why it lost

And then, exactly as the framework predicts of a rising that meets an intact floor, it was crushed — because the floor was only partly fractured, and the unfractured part did the crushing.

The Bengal Army rose. The armies of Madras and Bombay very largely did not. The Punjab held, and Sikh and Gurkha troops were used to retake Delhi. The Company survived militarily in 1857 for the same reason a firm survives the loss of a supplier: it had three armies, recruited from different populations, on different terms, and the failure of one did not propagate to the others.

The default also went on operating *inside* the fracturing regiment, and one episode records both halves of it in five weeks. When Mangal Pandey attacked the adjutant on 29 March, a sepoy of his own regiment, Shaikh Paltu, intervened to protect the officer, and held Pandey while the guard refused orders. Paltu was promoted havildar and recommended for the Order of Merit. On 6 May, before the regiment was disbanded, he was murdered inside the cantonment.

A man defended the arrangement, was rewarded by the arrangement, and was killed for it by his comrades — all within one regiment, in the space of the five weeks in which the arrangement's floor came apart. Both the collaboration and its enforcement are in that sequence, and neither party to it was a peasant.

The province that supplied the spark and declined to burn

Bengal — the province this entire study is about — was among the quietest theatres in India in 1857. It is also where the mutiny began. Berhampore and Barrackpore are both in Bengal, and the fire started there, moved west, and left the province behind it.

The eastern Bengal detachments did mutiny — at Chittagong, at Dhaka — and their risings did not ignite agrarian rebellion around them, for the straightforward reason that the sepoys concerned were strangers where they stood, recruited five hundred miles up the Ganges and garrisoning a country that was not theirs.

But the deeper answer is the one Module 8 established, and it is the study's answer to the question this module exists to ask. By 1857 every group in Bengal with standing and means held a position that the arrangement secured. The zamindars manufactured by the settlement of 1793 held heritable, alienable, permanently assessed estates. The Calcutta merchants, moneylenders and banians who had bought them at the sunset-law auctions held the same. The banian and dewan stratum held official positions worth vastly more than their salaries. The jotedars controlled the cultivation. The English-educated stratum held the beginnings of a professional and journalistic world that existed nowhere else in India.

None of them rose, and none of them was mistaken about their interests.

The Permanent Settlement was the most effective counter-insurgency measure of the nineteenth century in India, and nobody who made it knew that was what they were making. It was designed to secure a revenue and to produce improving landlords; it failed at the second and half-succeeded at the first; and its unintended and decisive effect was to give the entire propertied class of the richest province in India an unambiguous stake in the government's survival, sixty-four years before that stake was tested.

What actually ended the Company

Now the module's central finding, which is a negative one.

The rebellion did not end the East India Company. The rebellion was defeated. Delhi was retaken in September 1857, Lucknow relieved and then recaptured, and the last field operations ran into 1859. At no point did the rebels take Calcutta, Madras or Bombay, and at no point did the Company's government cease to function; Canning's administration is credited with keeping the departments running throughout.

The Company was abolished by an Act of the Parliament of the United Kingdom on 2 August 1858.

And this was not a novel power hastily assumed. Module 8 traced the instrument: in 1709 the Company's monopoly had been pledged against a government debt, terminable by Parliament on repayment plus three years' notice. Everything since had narrowed it. The Regulating Act of 1773 imposed a Governor-General and a supervisory structure. Pitt's Act of 1784 imposed a Board of Control with authority over the Company's civil, military and revenue affairs. The Charter Act of 1813 asserted the Crown's undoubted sovereignty over the territories and ended the Indian monopoly. The Charter Act of 1833 ended the Company's commercial functions entirely and left it a purely administrative body — a licensee performing, on the Crown's behalf, a function the Crown had by then acquired every legal means of performing directly.

By 1857 the Company was administering India on sufferance under a Board it did not control, with no trade, no monopoly, and a charter renewable at Parliament's pleasure. The rebellion did not break it. **The rebellion supplied the occasion for a transfer that had been mechanically available since 1709 and politically overdue since 1833.**

And Module 8 established what that transfer cost the hierarchy: nothing. The covenanted civil service continued under a new name. The European officers kept their commissions. The employees were pensioned. East India House was sold. And section XLII of the Government of India Act 1858 provided that the dividend on the Company's capital stock, with all its debts and liabilities, "shall be charged and chargeable upon the Revenues of India alone" — so that the proprietors went on drawing ten and a half per cent, out of the taxes of the country, for another sixteen years, until the redemption of 1873–74.

There was no collapse. There was a winding-up.

What changed, and what did not

Four things changed.

The army. Marshman, writing nine years later, had already identified the sequence that ended here. Of Munro's suppression of the sepoy mutiny of 1764, he wrote that it was "the first of that series of mutinies which broke out from time to time among the native sepoys... and terminated in less than a century in the dissolution of the whole Bengal army." That is what happened. Of ten cavalry and seventy-four native infantry regiments, all the cavalry and around forty-five of the infantry mutinied, seventeen more were disarmed on suspicion, and about twelve survived. The force was rebuilt: recruitment shifted away from the high-caste Purbiyas of Awadh and Bihar toward Punjabis, Sikhs and Gurkhas; general service enlistment was made universal, overriding

the caste-specific exemptions Module 4 traced; and the proportion of European to Indian troops was raised, on ratios settled by a royal commission whose figures this study has not verified.

Annexation stopped. The Proclamation of 1 November 1858 undertook: "We desire no extensions of Our present territorial possessions... We shall respect the rights, dignity, and honor of Native Princes as Our own."

A new robe was issued, and it was the metropole's. The Proclamation states:

> *"We hold ourselves bound to the Natives of Our Indian territories by the same obligations of duty, which bind us to all Our other subjects, and those obligations by the Blessing of God, we shall faithfully and conscientiously fulfill..."*

And it repeats the promise of 1833:

> *"And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge..."*

Note the four words section 87 of 1833 did not contain: **so far as may be.** Module 3's finding was that an order handed a robe by its critics gets no escape clauses, because the drafters were trying to bind it. This robe was drafted by the order itself, at leisure, in victory — and it arrives with a proviso. What the proviso was worth can be measured: by the end of the century, on a contemporary reckoning, something in the order of four per cent of the Indian Civil Service were Indians.

And nothing else changed at all. The Permanent Settlement stood, and stood until the 1950s. The salt monopoly stood. Regulation III of 1818 stood, and was still being used seventy years later. The Cornwallis courts stood. The revenue system stood. The extraction described in Module 6 continued under a different accounting name, charged on the same revenues, and now included the Company's own redemption.

The one case where cultivators got something

And then, immediately after, the case that completes the argument.

In the summer of 1859 the ryots of Nadia refused the indigo advances. The refusal spread across the indigo districts; villages fought the planters' armed bands; and within two years the industry was effectively finished in Bengal. A commission sat in 1860, examined over a hundred witnesses, and heard magistrates state on oath that no

cultivator grew indigo out of free agency. An Act followed in 1862 providing that nobody could be compelled to grow it.

The cultivators won. It is the only substantive victory won by cultivators anywhere in this study, and the framework's business is to explain why this one and not the Santhals four years earlier.

The answer is not numbers, not organisation, and not desperation; the Santhals had all three. The answer is that in 1859 a part of the hierarchy found it useful to take their side, and in 1855 no part of it did.

The reasons are traceable. The state had just changed hands, and its new magistrates — some of them hired under the competitive examination the Charter Act of 1853 had introduced — occasionally ruled for the ryots, and word of that spread before the refusal began. The Calcutta intelligentsia and the Indian-language press that Metcalfe's Act of 1835 had made possible took the cause up; Harish Chandra Mukherjee's *Hindoo Patriot* had been running the story for years. An Indian notable with access to government, Nawab Abdul Latif, pressed for a commission. Dinabandhu Mitra's play *Nil Darpan* carried it further.

And underneath all of that sits the structural fact from Module 5: **Europeans could not own land in Bengal.** The indigo planter therefore held no position inside the settlement of 1793. He was not a zamindar, not a Company servant, not part of the covenanted hierarchy. He had a contract and a gang of retainers, and nothing else. Conceding to the ryots against him cost the hierarchy nothing whatever, because he was not in it.

The Santhals, by contrast, were demanding relief against moneylenders and landholders — who were in it, comprehensively, and whose position was the settlement itself.

Reading change and collapse against the framework

Four refinements.

First — and this is the module's principal contribution — the collection needs a fifth condition for the replacement of an apex, and Bengal supplies it: redundancy.

Elite Chaos names four cracks: fracture, exhaustion, conquest, overproduction. None of them describes 2 August 1858.

The Company was not conquered; it won its war. It was not exhausted in the sense required; its revenues and armies were intact and its administration never stopped functioning. It did not overbreed. And while its floor did fracture, the fracture was contained and defeated, and the fracture is not what removed it — the Company was

abolished eleven months after Delhi fell, by statute, in London, in a proceeding in which nothing was in dispute.

What happened is that an apex holding its position by licence from a superior power was removed by that power when the licence became redundant. Every function the Company still performed in 1857 the Crown could perform directly and had been progressively acquiring the means to perform since 1773. The rebellion was the occasion, in the way that a bad quarter is the occasion for a merger that was already agreed.

The research instruction: **where an apex holds by licence, look for the redemption clause, and treat the apex as a tenant rather than a sovereign.** The Company's clause was written in 1709, priced at £3.2 million with three years' notice, and every subsequent Act narrowed the tenancy. An order whose founding instrument specifies the terms on which it can be extinguished will one day be extinguished on those terms, and its removal will look like a collapse only to observers who have not read the lease. **The instrument that created this order is the instrument that ended it, and both were drafted before anybody in the story was born.**

Second: a hired floor fractures on terms, not on grievance — and the terms are in the pay ledger.

Module 1 established that this order's floor was bought out of a deep market in military labour, and predicted that such a floor is reliable on conditions rather than by formation. 1857 is the prediction discharged. The 1764 mutiny was over the sepoys' share of the accession money; the 1857 rising was over caste, service conditions and the annexation that destroyed the standing and pensions their service had bought. Both are contractual grievances raised by employees, and both were raised by men who had been reliable while the terms held.

The question to put to any hired floor is not whether it is loyal but what it was promised and whether the order can still deliver. And Module 4's finding bites here: the Company could raise pay, extend leave, promote a subedar. It could not restore caste and it could not un-annex Awadh. **An order that has denominated its cheapest concession in a good it does not produce will one day face a demand it can neither meet nor refuse.**

Third: a plural floor survives fracture, and plurality is a design variable the order controls.

The Bengal Army rose and the Madras and Bombay armies did not; the Punjab held; Sikhs and Gurkhas retook Delhi. Had the Company recruited its whole floor from one population on one set of terms, 1857 ends differently, and the framework's law about intact floors would have been demonstrated the other way.

Recruitment diversity in a coercive apparatus is not a question of fairness. It is redundancy, and an order that draws its floor from a single stratum has built a single point of failure into the thing that holds it up. The reorganisation after 1857 is the British reaching precisely this conclusion, writing it down, and operating on it for ninety years — which is as close to a controlled confirmation as this collection is likely to get.

Fourth: the pressure from below is the constant; the variable is whether any faction above finds it useful — and Bengal lets us measure it.

Elite Chaos grants that the common man's pressure is a genuine cause even though he is never the proximate agent. This case permits something better than a concession: a comparison with most of the variables held fixed.

In 1855 the Santhals rose with numbers, organisation, leadership and desperate grievance, in Company territory, and were annihilated. In 1859 the indigo ryots refused, with the same numbers and the same grievance, in the same province, four years later — and won a commission, a statute, and the destruction of the industry.

The difference is not in the cultivators. It is that in 1859 a faction of the hierarchy took their side: new magistrates, a Calcutta press that existed because of a factional victory in 1835, an Indian notable with access, and a metropolitan public newly attentive to India. And that faction could afford to, for a reason Module 5 identified without knowing what it would be needed for: **the indigo planter held no position inside the settlement, so surrendering him cost the hierarchy nothing.**

Where the ruled's demand can be met by sacrificing a party who is outside the settlement, it will be met. Where it requires touching a party inside the settlement, it will be crushed, and the number of people making it is irrelevant. That is the sharpest form the collection can give to the honest objection, and it is testable: in any case where cultivators, workers or slaves obtained a substantive result, look for the expendable party.

A note on sources. The events of February to May 1857 in Bengal — the refusal at Berhampore on 26 February and the disbanding of the 19th Bengal Native Infantry; Mangal Pandey's action at Barrackpore on 29 March, his enlistment in 1849, his execution on 8 April, the hanging of the jemadar on 21 April and the disbanding of seven companies of the 34th on 6 May; the intervention, promotion and murder of Shaikh Paltu; and the mutiny at Meerut on 10 May and the entry into Delhi on 11 May — are given on the standard reference accounts, which are consistent with one another on the sequence. **None has been checked against the court-martial proceedings or the Bengal military consultations, and the account of Shaikh Paltu's murder in particular rests on a single chain of secondary sources.**

The Proclamation of 1 November 1858 is quoted from the published text as it circulates in the documentary collections; **it has not been checked against the London Gazette or the Indian government's own publication and should be.** The Government of India Act 1858 received royal assent on 2 August 1858, and section XLII is quoted from the statute text, as in Module 8. Marshman's sentence on the dissolution of the whole Bengal army is from his *History of India* (1867), public domain, quoted in Module 1 with the cautions there entered.

Modern scholarship and reference literature are paraphrased and credited: the standard accounts of the geography of the rebellion and the comparative quiescence of the Madras and Bombay armies and of Bengal proper; the accounts of the eastern Bengal mutinies at Chittagong and Dhaka and of their failure to ignite agrarian rebellion; and the literature on the post-1857 reorganisation of the Bengal army, the shift of recruitment toward Punjabis, Sikhs and Gurkhas, and the imposition of general service enlistment. **The ratios of European to Indian troops fixed after 1857 by royal commission are referred to but not stated, because this study has not verified them; they should be established from the commission's report before Module 11.**

Contested figures are given as ranges or withheld. **The mortality of the Santhal *hool* of 1855–56 is again not stated, for the reason entered in Module 5: no figure in circulation has been verified by this study, and the episode requires proper research before it is used in the grim accounting.** The Bengal army regimental figures for 1857 are the conventional ones, as flagged in Modules 4 and 8. **The statement that something in the order of four per cent of the Indian Civil Service were Indians by the end of the nineteenth century comes from a single early-twentieth-century secondary source and is an order of magnitude only; it should be replaced with figures from the civil service returns.** The indigo material, including Ashley Eden's and E. W. L. Tower's evidence, carries the verification cautions entered in Module 5; the roles of Harish Chandra Mukherjee and the *Hindoo Patriot*, of Nawab Abdul Latif in pressing for the commission, and of *Nil Darpan* rest on the standard accounts and have not been independently checked.

MODULE 11

Dreadful Beyond All Example

Module 11 · The Grim Accounting — a sword column knowable to two significant figures where Europeans died and to an order of magnitude where Bengalis did; a metabolic note called four years after the transfer and made permanent twenty-three years after that; and an arrangement that became the way the world is

What is being counted

An armed party took power in Bengal in 1757, held it for a hundred and one years, and was wound up. This module is the reckoning of that century, and it has three parts.

The first is the **sword**: people killed by organised violence, in battle, in suppression, and under sentence.

The second is the **metabolic note**. An advanced society lifts its population above what the land would carry unaided — by intensive agriculture, by coordination, by stored surplus, by a state that absorbs a bad year. That lift is a debt held against the coordination that produced it. Disrupt the coordination and the note is called, and it is paid in famine and epidemic rather than in fighting. The deaths are not caused by anybody's weapon and they are nonetheless part of the accounting, and they are usually much larger than the sword column.

The third is the **forgetting**: that after enough time an arrangement made by armed men stops looking made at all, and becomes simply the way the world is.

The metabolic premise, stated for Bengal

Bengal in 1757 was not a country living at the margin of subsistence by accident of good soil. It was one of the most intensively managed agricultural landscapes on earth, and the management was several centuries deep: transplanted rice on a river delta, embankments, a frontier of forest cleared to paddy across the sixteenth and seventeenth centuries under Mughal revenue grants, and one of the world's densest networks of grain markets and rural credit.

And the state carried the weather. Module 2 catalogued the machinery it inherited: *taccavi* advances for seed and cattle, assessment adjusted for crop loss, collection timed to the harvest and to the festivals at which cultivators had money, and remission in a bad year. The Mughal study's finding was that this remission machinery was the

cheapest legitimacy the empire ever bought — a demand that bends in a bad year is a demand people pay in a good one.

That machinery is the coordination. It is what stands between a monsoon failure and a mortality event in a country whose population has been lifted above the land's unaided carrying capacity.

Now recall what was actually transferred in August 1765. The Company took the **diwani** — the right to assess and collect. It left the **nizamat** — the duty to govern, police and provide — with the Nawab, on an allowance that Module 6 traced from £420,000 down to £160,000. And it did not administer the collection itself: for the first seven years it worked through Indian deputies it then arrested, and from 1772 it farmed the revenue to contractors bidding for fixed terms.

The Company acquired the right to collect and did not acquire the duty to carry the bad year. Nobody decided this. The remission machinery was not an asset on any schedule; it was a cost, and it appeared in no instrument.

Four years later the monsoon failed.

The note called: 1769–70

A partial shortfall in 1768 was considered nothing out of the ordinary. From September 1769 there was severe drought and reports of rural distress that Company officers disregarded. By early 1770 there was starvation; by the middle of the year, mass death. Rice prices, having roughly doubled by the end of 1769, rose several fold again through 1770. Smallpox took its own toll among the weakened. Good rain later in 1770 ended the drought, but shortfalls in the following years raised the total, and large areas were depopulated and reverted to jungle for decades.

The mortality cannot be stated and this study will not pretend otherwise. The range in circulation runs from about one million to about ten million. The figure most often cited — ten million, or roughly a third of a population of some thirty million — derives from W. W. Hunter's reconstruction of 1868 and is supported in the modern demographic literature by Visaria and Visaria; more recent work, Tirthankar Roy's among it, argues for considerably less and disputes both the baseline population and the mechanism.

That the range is an order of magnitude wide, two hundred and fifty years later, is itself an entry in this accounting, and this module returns to it below.

Hunter was a Bengal civil servant writing from the eighteenth-century records, and his description has stood because nobody has produced a better one:

> *"All through the stifling summer of 1770 the people went on dying... they devoured their seed-grain; they sold their sons and daughters, till at length no buyer of children could be found."*

What the government did. The Company had no plan. Its recorded relief expenditure — a figure of fifteen thousand appears in the reference literature, with the currency uncertain — is not a meaningful number against the event. What it did do is recorded: it purchased large quantities of rice for its own army; the market mechanism for moving merchants' grain out of the affected districts remained in place while grain merchants ceased advancing to cultivators; and the Company's private servants, with their Indian *gomasthas*, established local monopolies in grain — the same men, in the same relationship, that Module 8 examined as the engine of the default.

What happened to the revenue. The accounts here conflict in a way that should be reported rather than resolved. Land revenue fell by about fourteen per cent in the worst year, on Kumkum Chatterjee's figures, and recovered rapidly. Against that, McLane records that Warren Hastings afterwards acknowledged the collection had been "violent," and that the revenues the Company earned in 1771 exceeded those of 1768. Both can be true: a dip in the year of maximum mortality, followed by collection above the pre-famine level in the year after, enforced by methods the Governor-General himself described as violent.

And what happened to the extraction. Here the record is not ambiguous, because a parliamentary committee stated it thirteen years later, and Module 6 quoted it:

> *"Notwithstanding the famine in 1770, which wasted Bengal in a manner dreadful beyond all example, the investment, by a variety of successive expedients, many of them of the most dangerous nature and tendency, was forcibly kept up; and even in that forced and unnatural state it gathered strength almost every year."*

The Investment — the portion of Bengal's revenues set aside to buy Bengali goods for shipment to London, for which, in Burke's phrase, no satisfaction was made — was maintained through the mortality by expedients the Committee described as dangerous, and grew.

The verdict on the metabolic column

The drought was real and a monsoon failure is not a policy. The framework's question is narrower and answerable: was the coordination that held the population above unaided carrying capacity disrupted, and when?

It was, and the date is 1765. The remission machinery was not part of what the Company understood itself to have acquired. The collection was let to contractors on fixed bids, with — as the risings of the 1780s would show — no interest in the cultivator surviving the term of the contract. The duty to provide stayed with a Nawab whose allowance was being cut. And the demand was denominated in cash and enforced.

So the note was called four years after the transfer, by a drought that the previous arrangement had machinery for and this one did not.

And then comes the fact that makes this an accounting rather than a misfortune. **Twenty-three years after 1770, the Company wrote the abolition of remission into a permanent instrument.** Regulation I of 1793 provided, in the words Module 2 took its title from, that in future no claim or application for suspension or remission on account of drought, inundation or other calamity of seasons would be attended to, and that on default a sale of the defaulter's lands would positively and invariably take place.

The men who drafted that clause were not ignorant of 1769–70. It was the largest event in the Company's Indian history and the reason the dual government had been abolished in 1772. They had watched the failure of remission produce a mortality nobody could count, and they made the absence of remission permanent and irrevocable, and bound their own successors to it.

The sword column

Set out with ranges, and with the gaps left visible.

Plassey, 23 June 1757. About five hundred dead on the Nawab's side; twenty-two killed and about fifty wounded on the Company's, on the most-cited return, against about sixty-five total casualties in other accounts.

The war of 1763. Katwa on 19 July, Gheriah on 2 August, Udhwa Nala in November, Patna taken on 6 November: a four-month campaign against a European-drilled army, of which Clive said that never did troops fight better. **Casualty figures not established by this study.** At Patna, before his flight, Mir Qasim had forty-eight English prisoners and about a hundred soldiers shot in the house where they were held.

Buxar, 22 October 1764. Allied dead put between two thousand and six thousand; Company losses given as two hundred and eighty-nine killed, four hundred and ninety-nine wounded and eighty-five missing, against Fortescue's total of about eight hundred and fifty.

Munro's executions, September 1764. Twenty blown from guns on Marshman's account, twenty-four on Munro's reported statement to the Commons, twenty-five in his letter of 18 September. All three recorded, none reconciled.

The Rangpur *dhing*, 1783. Five weeks of rebel control, suppressed by Company troops. **Figures not established.**

The Sannyasi and Fakir disturbances, 1760s to 1800; the Chuar risings, 1798–99; Titu Mir at Barasat, 1831; the Faraizi movement through the 1830s and 1840s. Figures not established by this study for any of these.

The Santhal *hool*, 30 June 1855 to 3 January 1856. Ten to twenty thousand dead, on the figures now in circulation — Britannica gives fifteen to twenty thousand, the general reference literature ten to fifteen. Martial law was proclaimed on 10 November 1855 and withdrawn on 3 January 1856. Sidhu Murmu was taken in mid-August, on one account betrayed by other Santhal leaders, and hanged; Kanhu was captured in late November and executed on 23 February 1856.

Two features of that entry belong to this module's argument and are taken up below. First, on Britannica's account **most of those deaths were from disease, hunger and malnutrition** — because cultivation stopped and people lived in makeshift camps — rather than from British firearms. Second, the local zamindars and the Nawab of Murshidabad supported the government, and war elephants supplied by the Nawab were used to demolish Santhal dwellings, while the local milkmen and blacksmiths supported the Santhals. Module 8's default, doing exactly what Module 8 said it would.

The rebellion of 1857–58. By an order of magnitude the largest item, overwhelmingly outside Bengal, with mortality estimates that vary by a factor of ten or more between traditions and which **this study has not established and will not adopt.** Its Bengal component is set out in Module 10.

And the column that has no figures at all. Module 5 established that the coercion applied to the Bengal cultivator ran, by design, outside the courts: the *haftam* of 1799 authorised the zamindar to distrain crops and cattle and confine a defaulter's person without any court's permission, and Module 5's finding was that this was the cheapest clause in the settlement precisely because it generated no record. To that add the indigo factory, whose character is known only because a commission in 1860 took evidence from magistrates who described a system of force and oppression; the enforcement of the salt monopoly, criminalising manufacture and maintaining a network of informers; and the ordinary judicial executions of a century.

None of that is countable, and its uncountability was a feature of the design.

The asymmetry, and what it is made of

Set the two ends of this accounting beside each other.

Twenty-two men killed at Plassey. Between one and ten million dead in 1769–70.

The first figure is known to two significant figures and was known within days. The second is uncertain by a factor of ten after two and a half centuries. Both were events in the same territory under the same government, and the government kept records throughout.

The explanation is not malice and it is not, in any interesting sense, indifference. It is bookkeeping, and it follows directly from Module 7. **An order counts what its own machinery requires it to count.** The Company needed to know its European casualties because it had to replace them, pension them and account to Leadenhall Street. It needed to know its revenue collections to the rupee, its salt sales by district, its cargo invoices, and its bond discounts. It needed no number for Bengalis, because no operation in the machine took that number as an input — and, as Module 7 established, the two upward channels the previous order had maintained were abolished and not replaced.

This yields the module's most portable instruction, and it is a hopeful one. To find the quantities an extractive order did not record about the governed, **look for a ledger it kept meticulously for an unrelated reason.** Module 5 did exactly this and got a series: Company salt sales falling from about eleven and three-quarter pounds a head in 1814 to nine in 1846, in districts whose population rose fifty per cent. Nobody kept that series to measure the condition of the poor. It is uncorrupted by the question precisely because it was not answering it.

The forgetting

The last part of the accounting is the part that has no numbers.

On 22 March 1793 a corporation's Governor-General, acting on an authorisation from a board of twenty-four directors elected by holders of stock in London, altered the land tenure of some thirty million people in perpetuity. The instrument said so about itself. Article VI of Regulation I is the most candid sentence in the whole archive of this order:

> *"It is well known to the zamindars, independent talukdars and other actual proprietors of land, as well as to the inhabitants of Bengal, [Bihar and Orissa,] in general, that from the earliest times until the present period the public assessment upon the land has never been fixed..."*

The instrument conceded that it was doing a thing that had never been done in the history of the country. It bound its own successors against alteration. And within a century the arrangement it created was being described — by Britons and Bengalis alike — as the traditional land system of India, and the zamindar as an immemorial figure of the Bengal countryside. He was invented on a Friday by a board of directors, and by 1900 he was a fact of nature.

The Landscape found the same operation at greater depth, in an object anyone could buy: the Bengali year, counted from the accession of a Mughal emperor and shaped by a fiscal reform designed to keep the revenue demand from drifting away from the crop that paid it. A peasant in Nadia in 1740 did not experience that as a foreign dynasty's tax arrangement. He experienced it as the year.

And Module 8 found the last instance. In 1858 the corporation was abolished, and nothing that anyone in Bengal could see changed: the same Collector, the same court, the same settlement, the same salt, the same demand. The transfer of an empire between sovereigns produced no discontinuity visible from a village, because the arrangement had long since stopped being anything anybody was doing and had become the shape of the world.

The discipline the collection insists on has to be restated here, because this module could easily be read as debunking and it is not. That an order was built does not make the beliefs held inside it false, and it does not make the people who defended it dupes. A thing that was built and then took is more real and more durable than a lie. The Bengal of 1900 in which the zamindar was traditional was authentically the world its inhabitants lived in. Naming a made origin is not an accusation against anybody who inherited it.

But the origin was made, by identifiable people, on datable days, and it cost what this module has tried to count.

Reading the accounting against the framework

Four refinements.

First — and this is the module's principal contribution — the metabolic note is called not by conquest as such but by the transfer of the risk-carrying function, and that function is separable from the revenue and is routinely left behind.

The Company did not destroy Bengali agriculture in 1765 and did not intend to. What it did was take the *right to collect* without taking the *duty to carry the bad year*, and the two had been joined in the previous order and were separable in the instrument.

They were separable because of the specific shape Module 1 identified: the diwani was a subordinate office carrying the money and not the duty, and taking it was cheaper than taking the apex precisely for that reason. The remission machinery — advances, crop-loss assessment, collection timed to the harvest — was not a right and could not be assigned. It was a cost, and it appeared on no schedule of what was being granted.

When auditing any conquest for metabolic debt, therefore, do not begin by asking whether cultivation was disrupted. Ask who carried the weather before the conquest, and whether that function was among the things transferred. It usually is not, because a conqueror negotiating a transfer takes assets and leaves liabilities, and the capacity to absorb a bad harvest is a liability in every ledger it ever appears in. The interval between the transfer and the first serious harvest failure is the fuse, and in Bengal it was four years.

Second: where a mass mortality is followed by codification rather than correction, the order has priced the catastrophe and found the price acceptable — and that is a harder finding than negligence.

The sequence is 1770, then 1793. The failure of remission killed somewhere between one and ten million people; twenty-three years later, the same government abolished remission by name, in perpetuity, in a document it declared irrevocable and not liable to alteration by any persons its Directors might hereafter appoint.

Negligence is a failure to foresee. This was not that. The men who drafted Regulation I knew what 1770 had been — it was the reason the dual government had ended and the reason they had spent twenty years experimenting with settlements. They wrote the clause anyway, because a fixed and certain revenue was worth more to the arrangement than the ability to bend in a bad year, and the parties who would pay for the difference held no position in it.

The instruction: date the order's catastrophes, then look for what it legislated afterwards. Correction indicates a mistake. Codification indicates a price.

Third: the record's asymmetry is bookkeeping rather than bias, and it is therefore predictable and partially remediable.

An order counts what its own operations consume as input. Nothing in the Company's machine took Bengali mortality as an input, so no number exists; everything in the machine took revenue, sales and cargo as inputs, so those numbers are excellent. **The gaps in an extractive order's record are not randomly distributed and are not primarily concealment — they are the negative image of its own administration**, and can be predicted from an organisation chart before the archive is opened.

Which is why the research instruction that follows is worth more than a complaint. **The quantities an order refused to record about the governed can often be recovered from a ledger it kept obsessively for an unrelated purpose**, and such a ledger is better evidence than a deliberate count would have been, because it was not shaped by any wish about the answer.

Fourth: a punitive campaign against an agrarian population kills mostly by interrupting the agricultural year, and any sword column will therefore understate suppression by an order of magnitude.

The Santhal entry makes this visible because someone bothered to disaggregate it: of the ten to twenty thousand dead, most died of disease, hunger and malnutrition, in camps, because the cultivation season was lost — not of gunfire.

This is the metabolic mechanism operating at local scale and inside a military event, and it means the two columns of this module are not as separable as they look. A campaign that burns villages, disperses a population into the hills at planting time and holds martial law across a harvest is a famine-producing operation conducted by armed men, and it will be recorded — by the order, honestly, in its own casualty returns — as a small engagement.

When counting the cost of a suppression in an agrarian society, establish which agricultural season it crossed. The answer will usually exceed the battle casualties by a factor the battle casualties give no hint of.

A note on sources. Burke's sentence on the famine of 1770 and the forcible maintenance of the Investment is from the *Ninth Report of the Select Committee* (25 June 1783), volume VIII of the Nimmo *Works*, consulted directly, with the standing caution that this is a prosecution document. Article VI of the Bengal Permanent Settlement Regulation of 1793 is quoted from the compiled text as in Module 2, with the caution about that compilation entered there.

W. W. Hunter's description of the summer of 1770 is from *The Annals of Rural Bengal* (1868), a public-domain work by a Bengal civil servant; **it reaches this study through secondary quotation and has not been checked against the original, which should be done, since Hunter is also the source of the ten-million estimate and both should be assessed together.**

The mortality of 1769–70 is deliberately given only as a range of one to ten million. The higher figure originates with Hunter and is supported in Visaria and Visaria's demographic work; lower figures are argued in more recent scholarship including Tirthankar Roy's. This study has not adjudicated between them and its argument does not require a figure. The account of the mechanism — the cessation of grain advances while the export mechanism remained, the Company's purchases for its

army, the local grain monopolies of Company servants and their *gomasthas*, and the price movements — is paraphrased from the modern scholarship summarised in the reference literature, principally Bhattacharya and Chaudhuri. The conflicting revenue accounts are given as they stand: the fourteen per cent fall attributed to Kumkum Chatterjee, and McLane's report that Hastings acknowledged violent collection and that the revenues of 1771 exceeded those of 1768. **Neither has been traced to its underlying source and both should be.** The relief figure of fifteen thousand appears in the reference literature without a clear currency and is given here only to indicate that a figure exists.

The Santhal figures — ten to twenty thousand dead, martial law from 10 November 1855 to 3 January 1856, the capture and execution of Sidhu and Kanhu Murmu, the support of the zamindars and of the Nawab of Murshidabad including the supply of war elephants, and the support given the Santhals by local milkmen and blacksmiths — are from the standard reference accounts, with Britannica's disaggregation of the mortality as mostly from disease, hunger and malnutrition. **This disaggregation is load-bearing for the module's fourth refinement and rests on a single reference source; it should be verified against the specialist literature, in particular the Bengal district records and the Firma KLM study of the insurrection.** This discharges the flag entered in Modules 5 and 10.

The battle and execution figures for 1757, 1763, 1764 and 1857 carry the cautions entered in Modules 1, 4, 8 and 10 and are not repeated. **Where this module says "figures not established," it means precisely that: this study has not researched them, and the gaps are recorded rather than filled.** The mortality of the rebellion of 1857–58 is not stated, for the same reason.

Modern scholarship is paraphrased and credited throughout. The framing of the metabolic debt is the collection's own and is applied here rather than argued.

MODULE 12

The Proudest Day in English History

Module 12 · Convergence and Divergence — what Bengal confirms, what only Bengal shows, what the collection banks from it, and the strongest case for this order stated at full strength and answered

What the case was for

A corporation chartered in London in 1600 acquired the revenue administration of three Indian provinces in 1765, governed some thirty million people for ninety-three years, and was abolished by Act of Parliament in 1858 while every position in its hierarchy passed intact to a new sovereign.

The collection took this case because it was the wrong shape. Every other conquest in the corpus was made by a state — a monarchy, a republic, a caliphate, a settler colony backed by a metropolitan treasury. This one was made by a company with shareholders, and the framework's terms had to be put through it to see which of them were about conquest and which had merely been about states all along.

This module reports what survived the test, what only this case could show, and then states the best case that can be made for the order and answers it.

Convergence: where Bengal confirms the collection

The chair. The corpus's most productive variable is whether the conquered order left a seizable coordination point. Kenya was the control case for its absence — a conquest that found no seat and had to forge one, at ruinous cost, and whose forged collaborators stayed brittle for sixty years. Northern Nigeria was the control for its presence — Lugard standing in the ruins of Sokoto in March 1903 and telling the Sultan-elect that the emirs and chiefs would rule over the people as of old time.

Bengal confirms the variable emphatically and at greater depth than either. It had a chair, the chair was legible, the chair had a register and a treasury attached, and it was taken. Everything downstream that the corpus predicts of an inherited chair follows: a nearly empty cost column at the elite level, a cheap holding, an extraction taxed off producers left on their land rather than seized as stock, and a founding that cost twenty-two European dead.

Formation withheld is formation outsourced. Kenya's finding — that a withheld formation is not an absent one but an outsourced one, and that the field the colonizer

vacates fills with a formation he neither built nor controls — is confirmed in Bengal and confirmed in a form that makes it worse. Kenya vacated the field and the Kikuyu built a rival formation from nothing, which the colony then had to burn in 1952: four hundred independent schools closed and the independent churches proscribed in a single motion.

Bengal did not have to watch a rival grow, because the incumbent was already there and had been for centuries. So the Company did something Kenya could not: it **paid to keep the incumbent running**. It founded a madrasa in 1781 and a Sanskrit college in 1791 to supply pandits and maulvis for its own courts; it routed personal law through authorities it certified and salaried; and in the army it funded separate messing, recognised festivals, exempted its sepoys from the sea and the lash, and restricted low-caste enlistment to protect their standing.

The same finding therefore arrives by two opposite roads. Where there was no chair, the vacated formation field grew an enemy the order had to destroy. Where there was a chair, the order subsidised the incumbent formation to keep its floor cheap — and thereby paid, for ninety-two years, to strengthen the framework through which its own acts would be interpreted, inside which it had no standing whatever. In January 1857 two Indians at Dum Dum settled the meaning of a rifle cartridge by rules the Company had not written and could not appeal, and the Company's denials, which were probably substantially true, had no collar. Neither order ever acquired authority inside the framework that would eventually convict it.

The reversed robe. The corpus predicted a robe cut for the metropole and emptied toward the ruled, and Kenya found its measurable unit in surveillance — the register at the throat as the tell of a belief that never took. Bengal confirms the prediction and supplies the *mechanism*, which the corpus had not had: the robe follows the **power of revocation**. The Company aimed nothing at Bengal because Bengal could not end the arrangement, and aimed everything at Westminster because a clause of 1709 said Westminster could. The chronology proves it — no public justification of the Bengal government exists before 1772, when the Company had to ask Parliament for money, and it is continuous thereafter.

Extraction sorted by caste. Confirmed, and audited by the extractor: Burke's committee found the natives almost wholly excluded from the civil establishment, no Indian in a nine-tenths Indian army above a rank below an English subaltern, and the Nawab's allowance — the sole support of the Muslim service class — cut from £420,000 to £160,000.

And the law of change. Elite Chaos holds that a rising against an intact floor is crushed with a regularity approaching a law. Bengal supplies an unusually clean

confirmation because it contains its own controls: the Santhals rose in 1855 with numbers, leadership and desperate grievance and were annihilated; the sepoys who rose in 1857 were not peasants but salaried, armed servants of the state's own coercive apparatus, and they were the ones who made a crisis.

One further convergence, and it is new to the corpus as a pattern. The Royal Niger Company's charter lapsed on 1 January 1900 and its shareholders were bought out for £865,000, with a ninety-nine-year half-share of mineral royalties in a defined block of Northern Nigeria. The East India Company's governing powers lapsed on 2 August 1858 and its shareholders kept ten and a half per cent, charged by statute upon the revenues of India alone, until redeemed in 1874.

The collection now holds two chartered companies wound up by their licensor and paid off, forty-two years apart. That converts what Module 10 offered as a single-case finding into a pattern: where an apex holds by licence, it is a tenant, and its removal is a transaction rather than a fall.

Divergence: what only this case shows

Six things in Bengal are not variations on the corpus's existing cases but different in kind.

First, the conqueror was not a state, and its constitution is legible in a way a state's is not. The Company had a share register, an annual election, published accounts and a franchise. When the corpus asks who benefited and who defended, this case can answer by naming the qualification for a vote — £500 before 1773, then £1,000 with graduated votes to four at £10,000 — and reading the minutes.

Second, the office taken was subordinate, and the corpus needed the level. The corpus asked whether there was a seat a stranger could take. Bengal shows that the answer has a depth attached. The *diwani* was the revenue half of a provincial government whose other half, the *nizamat*, stayed where it was. Clive did not take the throne; he took the office under it and left the throne to answer for the governing.

Set that beside Lugard at Sokoto in 1903, who took the apex and then reinstalled subordinates, claiming the Fulani conquest's own title as a transferable one he had now won. Both men inherited a warrant instead of minting one. But Clive's move was cheaper and more concealing: **the level at which you enter determines how much of the order's duty you inherit along with its revenue**, and the cheapest entry is the lowest office that carries the money.

Third, the apex was a market — and it was not liquid in the way that suggests. The Landscape's open question was whether an apex of transferable shares generates a weaker default than one of land. Burke answered it: East India stock was not bought

for the dividend but for the patronage it carried, so "the India proprietor, therefore, will always be, in the first instance, a politician." A share carrying a vote in a government is not a security. It is an office with a market price.

Fourth, the floor was a payroll. The corpus has co-opted floors — the hunted pressed into the hunt. Bengal's is different: a deep, pre-existing market in military labour, built over two centuries by an empire that paid its soldiers through rank-holders, into which the Company simply bid. It did not import an army. It imported wages and an officer corps.

Fifth, the extraction was shipped as cargo and read as prosperity. The Investment has no visible moment of taking: the weaver was paid, the merchant was paid, and the extraction lived in the source of the money. What was visible was a fleet, which Burke says "imposed upon the public eye."

Sixth, there was no collapse. The rebellion was defeated. The Company was wound up eleven months later by statute, in a proceeding in which nothing was contested and nobody in its hierarchy lost a position.

What the collection banks from this case

Eight findings, stated as instructions rather than conclusions, because that is how they will be used.

1. Ask at what level the seat sits, not merely whether there is one. The lowest office that carries the revenue is the cheapest to take, and taking it leaves somebody else answerable for the government.

2. Find the clause that says who bears the bad year. Not the grant of title, which only names the order's clients. The clause on remission, suspension or calamity tells you where the costs will finally land and where legitimacy will fail. In Bengal it is eleven hundred words after a promise of "the future ease and happiness of the people," and it abolishes relief for drought, inundation or other calamity of seasons by name.

3. The robe follows the power of revocation. Do not ask who funds the order. Ask who can end it and by what procedure, and the justification will be found pointing at them. The corollary is the expensive half: where the ruled have no procedure, no robe is offered to them and the order never learns what they think.

4. Look for the ledger kept for an unrelated reason. An order records what its own operations take as input, so the gaps in its record are the negative image of its administration and are predictable from an organisation chart. But a monopoly on a necessity produces a sales series kept for revenue and therefore uncorrupted by the question — nine pounds of salt a head in 1846 against nearly twelve in 1814, in districts whose population had risen by half.

5. Ask whether the ladder returns. The strength of a default is set by whether a man at the bottom can expect, in one lifetime, to sit in judgment on the position he now occupies. The Company's did: writer, senior merchant, Council, then home to buy stock and nominate the next writer. Where the ladder returns, reform from within is very nearly impossible, because every potential reformer is a future beneficiary.

6. A protection lasts if the people obliged to administer it were paid for it. The Supreme Court's protective jurisdiction was imposed on an executive that received nothing and lasted seven years — destroyed, in Burke's exact phrase, not by defeat but by the reconciliation of the parties whose quarrel had created it. The Cornwallis Code's judicial control over Collectors was bundled with salaries, rank and tenure, and lasted a century and a half. **And look immediately for the parallel track**: 1793 made executive officers suable; 1818 authorised indefinite detention of persons against whom there was not sufficient ground for judicial proceeding, and outlived the Company by ninety years.

7. Where an apex holds by licence, find the redemption clause and treat the apex as a tenant. The Company's was written in 1709 with a price and a notice period. Its removal looked like a collapse only to people who had not read the lease.

8. Ask who carried the weather, and whether that function was transferred. A conqueror takes assets and leaves liabilities, and the capacity to absorb a failed harvest is a liability in every ledger it appears in. Bengal's fuse between the transfer and the famine was four years. **And where a mass mortality is followed by codification rather than correction, the order has priced it.**

The strongest case for this order, stated at full strength

The counter-position must be given properly, which means giving it as its best advocates gave it, not as a straw figure.

Peace. Between 1741 and 1751 western Bengal was invaded six times. The bazaar of Murshidabad was burned, the silk-weavers' looms at Cossimbazar destroyed, Calcutta dug a ditch it expected to need, and the Dutch factory chief estimated something approaching four hundred thousand dead. Alivardi bought the raids off in 1751 with the cession of Orissa and twelve lakhs a year. After 1765 it simply stopped. For a century no army raided Burdwan, Birbhum or Midnapore. A cultivator planting in 1810 could expect his crop and his daughters to be there in four months, which his grandfather could not. Security against raiding is the oldest thing any floor sells, and this one sold it for a hundred years.

Law, and it was genuinely new. From 1 May 1793 an Indian could sue an English Collector in an ordinary court and recover damages. Nothing in Bengal's prior history

contained that. And it should be set against what the prior order had actually done to men of standing within living memory: Ram Narain drowned in the Ganges with a sandbag at his neck; Raja Rajballabh and his sons put to death; the heads of the Jagat Seth family thrown from a bastion at Monghyr. After 1793 property in Bengal was heritable, alienable, registered and defended by a court, and its holder could not be seized on a ruler's suspicion.

The counterfactual is not a peaceful independent Bengal. It is Maratha Bengal, or Afghan Bengal, or a Bengal fought over by three European companies. The eighteenth century in India was violent everywhere, and it was not the British who made it so.

Specific cruelties ended. *Sati* was prohibited in 1829, thuggee suppressed, the law codified.

And the order created the class that would demand its end. Hindu College in 1817, the English Education Act of 1835, the press freed the same year, a Bengali professional and journalistic world that existed nowhere else in Asia — Rammohun Roy, Dwarkanath Tagore, the *Hindoo Patriot*, *Nil Darpan*, the memorials, the appeals to the Privy Council. Macaulay said in the Commons on 10 July 1833 that the public mind of India might expand under the British system until it outgrew that system, that by good government its subjects might be educated into a capacity for better government, and that

> *"having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it.* ***Whenever it comes, it will be the proudest day in English history.****"*

He meant it. And the order supplied the language of its own indictment: Burke's committees, the Fifth Report, Metcalfe's repeal, the Indigo Commission, and the magistrates who testified on oath that no cultivator grew indigo of his own free agency. There is no comparable record of an empire prosecuting itself in public.

That is the case, and it is not a weak one.

The answer

On peace: it is credited, and it was purchased in a currency the peace does not show.

The century without a raid is real and should never be waved away. But Module 11's accounting is also real, and both numbers belong to the same order. Between one and

ten million people died in 1769–70 — the range is that wide, two and a half centuries on, and the width is itself the finding — and they died not of a war but of an arrangement: a revenue taken without the remission machinery that had carried the weather, farmed to contractors bidding on fixed terms, enforced by methods the Governor-General afterwards called violent, while the Investment was, in the words of a parliamentary committee, "forcibly kept up" and "gathered strength almost every year."

A century of security against invasion and a decade in which perhaps a third of a province died are both entries in the same ledger. The order that supplied the first supplied the second.

On law: it was real, and it was built with a bypass, and the bypass covered most people.

Regulation III of 1793 and Regulation III of 1818 were made by the same government twenty-five years apart, and the second exists, by its own preamble, for people against whom there is not sufficient ground to institute a judicial proceeding. And the coercion actually applied to the great majority of Bengalis never touched a court at all: the *haftam* of 1799 authorised the zamindar to seize a cultivator's crops and cattle and confine his person without any court's permission, and that was the cheapest clause in the settlement precisely because it generated no record.

The rule of law in Bengal existed. It did not cover most people most of the time, and that was legislated rather than neglected.

On the security of property: it was real, and the same instrument that granted it mandated the auction.

Something approaching half the estates of Bengal changed hands under the sale law within a generation, on the figures usually cited — figures this study has flagged as unverified. What was secured was title, not tenure, and the largest recorded auction of the period, at Burdwan in 1797, was overwhelmingly a fraud conducted by the debtor's own servants buying his estate back.

On the counterfactual: it is the strongest part of the case and it does not license what it is usually used to license.

We cannot know what an independent Bengal would have been, and this study does not claim to. But the counterfactual is an argument about alternatives, and it cannot convert matters of record into matters of speculation. It does not make the Investment a trade. It does not make 1770 weather. It does not make section 87 an admission. Burke's own position in 1783 was not a comparison with a fantasy: he compared the order to what it said about itself, and found the gap.

On the class the order created: conceded, fully — with two disciplines.

The Bengali intellectual world of the nineteenth century was real, consequential, and not a myth; Macaulay's sentence was sincere; and this study has quoted Rammohun Roy and Dwarkanath Tagore at length precisely because they were formidable and because the order's own instruments were what they used.

But it was not a gift. Module 4 established that the Company built one first-rate formation system and pointed it at itself — two thousand young men through Haileybury on classics, Malthus and a history of India by a man who never went there — while a lakh of rupees a year was set against thirty million people. Hindu College was founded in 1817 by Bengalis with their own money. Rammohun Roy was writing to Amherst in 1823, twelve years before Macaulay proposed to manufacture a class of interpreters, holding the government to its own stated purposes.

And Module 3's finding stands: a story put into circulation is not controlled by whoever released it. Section 87 of 1833 said colour disabled nobody, and had no proviso because its drafters were trying to bind the Company rather than excuse it — and it produced nothing under the Company. The Proclamation of 1858, drafted by the order itself in victory, promised that subjects of whatever race or creed would be admitted to office "**so far as may be**." By the end of the century Indians were something in the order of four per cent of the Indian Civil Service.

That the class used the order's premises against the order is a use of the order, not a gift from it.

And the self-justification not to swallow.

The claim that must be refused is not that the men meant well — many of them did, demonstrably. Cornwallis wanted improving landlords and believed the argument for permanence. Macaulay meant every word of 1833. Burke's rage was genuine, and so, in its way, was Hunter's.

The claim to refuse is that intention explains output. Module 6's finding is the study's hardest and it is structural, not moral: the greatness of the Investment was the standard by which the merit of the Company's servants was estimated, and it was also, in the same committee's words, "this main cause of the impoverishment of India." Nobody had to be corrupt. A conscientious officer maximising his Investment was doing his duty as the institution had defined it, and the better he did it the worse the outcome he produced.

That is worse than malice for this collection's purposes, because malice is rare and correctly-functioning institutions measured by the wrong quantity are everywhere.

The last word to a witness

In the preface he dated at Calcutta on 2 November 1786, the man who Englished Ghulam Husain Khan's history — a French convert living in Hindustani dress in Murshidabad, dependent on English patronage, who dedicated the work to Warren Hastings and restricted its charitable proceeds to British debtors — wrote a warning to the people he was writing for:

> *"The general turn of the English individuals in India, seems to be a thorough contempt for the Indians (as a national body). It is taken to be no better than a dead stock, that may be worked upon without much consideration, and at pleasure : But beware ! that national body is only motionless, but neither insensible, nor dead."*

And of the historian he was translating, a Bengali aristocrat writing under the new order and occasionally praising it:

> *"There runs throughout our author's narrative, a subterraneous vein of national resentment, which emits vapours now and then, and which his occasional encomiums of the English, can neither conceal nor even palliate ; and yet he is himself but a voice that has spoken among a million of others that could speak, but are silent."*

He was right in 1857 and he was right in 1947, and the Company's own record shows that at the time perhaps eight or ten Englishmen in Bengal suspected it. The order that governed thirty million people had, by 1786, abolished the audience its predecessor had held twice a week and never replaced the news-writers; and when a Bengali offered in 1823 to build the channel at his own expense, both ends of the government refused.

Legibility is not pardon. Explaining how this order worked is not a defence of it, and crediting what it actually did — the peace, the courts, the class it could not control — is not swallowing its account of itself. The mechanisms this study has set out are not eighteenth-century curiosities. A licensed apex with a redemption clause; a metric that becomes a mechanism; concealment by vocabulary rather than by censorship; a protection built alongside its own bypass; an extraction that reads on the books as a trade surplus; a cost dial subcontracted to parties who do not pay for what breaks; and a governing class formed to see a country before it arrives in it.

Those are contemporary shapes. That is what the study is for.

A note on sources. This module quotes only material established in the preceding eleven and in the collection's other studies, and the cautions entered there stand

without repetition. Macaulay's speech of 10 July 1833 is public domain and circulates in slightly varying punctuation. The passages from the translator's preface to the *Seir Mutaqherin* (Calcutta, 1789; 1902 reprint) were consulted directly, with the OCR cautions entered in Module 3. Burke's Ninth Report of 25 June 1783 was consulted directly in volume VIII of the Nimmo *Works*, and remains a prosecution document produced in a political campaign. Regulation I of 1793, Regulation VII of 1799 and Regulation III of 1818 are quoted from compiled texts, with the textual cautions entered in Modules 2, 5 and 9. The Proclamation of 1 November 1858 has not been checked against an official printing.

Comparisons with other studies in the collection rest on those studies rather than on fresh research: the Kenya case for the forged chair, the outsourced formation and the surveillance measure of a reversed robe; the Northern Nigeria case for Lugard's address at Sokoto of 21 March 1903, for the inherited chair and the claim of transferable title by conquest, and for the lapse of the Royal Niger Company's charter on 1 January 1900 and the £865,000 buy-out with its ninety-nine-year mineral share; and the Mughal study for the alienation of revenue at assessment, for fracture without repudiation, and for the remission machinery as the empire's cheapest legitimacy. **The two-company pattern offered above as a finding rests on two cases and should be tested against the Dutch and the other chartered companies before it is relied on.**

Outstanding verifications carried forward from this study, in order of how much weight rests on them: the wording of the *diwani* farman of 12 August 1765, which is described and not quoted because no public-domain reproduction was located, and which is the spine of the whole case; the proportion of Bengal estates sold under the revenue sale law, cited at second hand throughout and never traced to a revenue return; the Aylwin salt series of 1846, an abolitionist pamphleteer's figures used for Module 5's central measurement; Regulation III of 1793 in its own text, the strongest protection identified in the study and known here only through the legal-historical literature; the claim that Haileybury held no examinations in any Asian language before 1814, load-bearing for Module 4 and resting on one secondary study; the Indigo Commission's printed report, on which Modules 5 and 10 both depend; and the disaggregation of Santhal mortality as mostly from hunger and disease, on which Module 11's fourth finding rests. Where this study says a figure is not established, it means it has not been researched, and the gap is left open rather than filled.